

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

TWELFTH DAY

AUGUST 9, 2005

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE
BUILDING IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY, HAUPPAUGE, NEW YORK**

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 9:30 A.M.]

P.O. CARACAPPA:

Good morning, Mr. Clerk.

MR. BARTON:

Good morning, Mr. Chairman.

P.O. CARACAPPA:

Roll call, please.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

(Not Present)

LEG. LOSQUADRO:

(Not Present)

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

(Not Present)

LEG. BINDER:

(Not Present)

LEG. TONNA:

Here.

LEG. COOPER:

Here.

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

LEG. SCHNEIDERMAN:

Henry, I'm here.

MR. BARTON:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Here.

MR. BARTON:

There are 12 members present.

P.O. CARACAPPA:

Thank you. Would everyone please rise for a Salute to the Flag led by Legislator Montano.

[Salutation]

P.O. CARACAPPA:

Please remain standing as I recognize Legislator Vivian Vilorio•Fisher for purposes of introducing today's Clergy. Legislator.

LEG. VILORIO•FISHER:

Thank you very much. I hope you feel better. Today's clergy is Rabbi Karol. Rabbi Karol, who was a native of Kansas City, has served Temple Isaiah in Stony Brook since 2002. He holds a BA in sociology from the University of Wisconsin and Madison, and was ordained at the Hebrew Union College Jewish Institute of Religion in Cincinnati, and he received his Master of Arts in Hebrew Letters and Director of Divinity from HUCJIR. Rabbi Karol served in Temple Beth Zion in Buffalo, New York, and Congregation _Shirai Shalom_ in Massachusetts before coming to Temple Isaiah and we welcome him this morning. Good morning.

P.O. CARACAPPA:

Good morning. Thank you.

RABBI KAROL:

Eternal God, the God of our common ancestors Abraham and Sarah, Isaac and Rebecca, Jacob and Rachel and Leah. We ask your blessing this morning on these men and women who are gathered here as the leaders and representatives of Suffolk County. Grant them wisdom and good health, courage and compassion, a sense of fairness and a sense of justice. May they serve their constituents effectively, enabling them to benefit directly from policies and legislation. May their successful efforts give their constituents confidence and faith in the political process, confirming for them the values of our democracy. Guide them as they debate the issues that face our County and be with them as they seek to enhance the quality of life, not only for the citizens in their districts, but also for those in all the districts of our County. We pray that their words and their deeds will bring hope to those who live in despair, healing to those who suffer in pain. Comfort to those who fear for the future, and aid to those who are without a home or a job.

As one of the 12 original counties of New York State, ours has a clear mandate to preserve and exemplify the principles of freedom and representative government. May these public servants

carry forward that legacy as they seek to enhance the lives of our citizens in the areas of public safety and transportation, consumer protection, and higher education, health and housing. May their decisions on economic development and the environment, agriculture and park systems, energy and finances be a source of pride and optimism for us all.

Eternal God, may none of us ever take for granted our individual ability to make a positive difference in the lives of others and our collective ability to bring about positive results. May we each appreciate the gifts we have been given, our families, our friends, the beauty of this world, and the great potential of humanity to make our part of the world better.

We give thanks to you eternal good God, sovereign of the universe for the opportunities that living offers us, for your continued sustenance and for the great work that has been and will be done. Amen.

P.O. CARACAPPA:

Please remain standing for a moment of silence. First, for Elsie Owens, who was well-known by all of us around this horseshoe, a community activist, not only through in her community of Gordon Heights, but throughout the County of Suffolk. She fought for health care, for all affordable health care. She was one of the first of a small group of people who fought to bring Suffolk County Health Centers into communities from the west end to the east end. In fact, the Coram Health Center is named after her for her years of advocacy. She left us suddenly a couple of weeks ago and she will be sorely missed.

Also, Staff Sergeant James Dennis McNaughton of the 306th Military Police Battalion and the 800 Military Police Brigade, also a New York City Police Officer, who lost his life while serving in Iraq last week. Yesterday I had the pleasure of sitting with the family and his father, William, a former Police Officer for New York City, and his wife, Michelle, who would like to express their sincere thanks and appreciation to all of Long Island for reaching out to them and helping them through this very difficult time. They also asked me to say thank you so very much to Suffolk County Police Department and New York City Police Department, and, again, their home hamlet of Centereach, where they are from. He will be waked tomorrow and the next day, O.B. Davis in Centereach, followed by a funeral, his funeral at Calverton National Cemetery. In the morning, as we speak, his parents are bringing his body home, and I know the Suffolk County Police Department is going to go and assist with that effort along the Expressway. So, the family says, again, thank you. Please keep these two people and this American hero in your

hearts and in your prayers.

[MOMENT OF SILENCE]

P.O. CARACAPPA:

Please be seated. First speaker is Debbie Felber. As Ms. Felber comes to the podium •• oh, I'm sorry. Before we go to public portion Deb, I'm sorry, we have proclamations, among other things.

First, I'm sorry Gail. In June we voted on a new Budget Director, Ms. Gail Vizzini. That effective date was when we were in our summer break, so we hadn't had the chance to swear her in officially here at the Legislature, so we'd like to do her that honor now. So I'd ask the County Clerk to come forward, Ed Romaine, as well as Budget Review Director Gail Vizzini, for her swearing in.

[GAIL VIZZINI WAS SWORN IN AS THE DIRECTOR OF BUDGET REVIEW BY SUFFOLK COUNTY CLERK, ED ROMAINE].

MR. ROMAINE:

Congratulations.

(Applause)

P.O. CARACAPPA:

Legislator Alden, did you say meeting adjourned now? I'm with you.

We are now going to go to public portion. Each speaker has three minutes, only three minutes. This is your time, your time only, not a question and answer period. You will hear a little alarm go off after your three minutes are up. I'd ask if you could sum up your comments, please, when you hear that if you hadn't finished already. We have quite a few cards so we'd like to try and move them along and have everyone get a chance to speak and get home at a decent hour. So with that said, the first speaker again is Debbie Felber.

MS. FELBER:

Good morning. I just wanted to say thank you, Presiding Officer, Joe Caracappa, and •• it's kind of swinging here (referring to microphone) •• and the rest of your committee board for letting us speak today. That was the microphone. Can you hear me? Okay.

I'm here actually •• two things. One, I'll start with this. This is the Executive Director of the Selden Centereach Youth Association, Sal Bush. We had come to you about a month or so ago and through the years for some assistance in our Youth Association for some funding. And I know that just recently we found out that some of the funding was vetoed, so I know that today hopefully that will be going back on the table for this •• the children of Middle Country and the Selden Centereach •• the Selden Centereach area.

We're a not•for•profit organization that works for children, for their well•being and certainly to make sure that they are healthy in the community. We have a number of different ways that we do that through counseling. We have a before and after care program. We do therapy on site. We also have an after school program that works in our middle schools. We try to reach all •• all avenues of the children in Selden and Centereach, Middle Country area. We also have an on•site youth center, which is a place where children can come to have a safe haven and be there with, you know, their peers and have a place where there is always adult supervision.

So, you know, we're just asking the Legislators to please consider bringing our funding for the 10,000 back to us. It's greatly needed and certainly could be used for our children in many ways. So I just wanted to thank you and thank you for letting us have the opportunity to speak with you today.

P.O. CARACAPPA:

You've got a minute left, Sal. Do you want to add anything?

MR. BUSH:

Again, I guess all the Legislators understand that the •• we always say that children are our number one priority. We have a number of issues throughout the County with our young people where supervision is devoid. Our young people find problems and trouble. So every dime that you can come up with in support of helping our young people, prevent them from getting into trouble I think is a positive thing, and think everyone is on the same page when it comes to helping our young people be positive and successful in the community. And we thank you for your consideration today.

P.O. CARACAPPA:

Thank you very much. We'll be dealing with those veto overrides later this afternoon.

MS. FELBER:

Thank you. Before I go, I just wanted to also ask Joni Altner to join me in regards to a group that •• I figured I'd put my other hat on. I put it on the card also.

P.O. CARACAPPA:

You've got a couple of seconds left.

MS. FELBER:

It's Long Island Communities Unite. We are a group that just has come together in the support of the initiatives of our Presiding Officer, Joe Caracappa, and our County Executive, Steve Levy, and the Town of Brookhaven. We are very much in, you know, support of, you know, making laws and changes to prevent the qualities of life on Long Island dissolve. So we are •• you know, we are as it says in the name, you know, Long Island Communities Unite, we are looking to start here in Suffolk County, branch into Nassau County. You know, we want to see all Long Islanders have a better quality of life.

P.O. CARACAPPA:

I believe you're talking about the housing problem we have been dealing with.

MS. FELBER:

Yes, this is on the housing codes that, you know, we all live by laws and codes in our communities and we feel that everyone should abide by the same codes and laws. So, you know, we feel that this group •• we did have a first meeting last week. We have brought together the community, civic leaders, and we felt that it was a good •• good group that got together. We shared ideas. We also spoke about what was going on in our individual communities and, you know, we are looking to work together to start working with, you know, our Legislators, our towns and our elected people to make sure that these •• these codes and laws are followed to make everyone's, you know, quality of life better on Long Island. And we feel that with that will come, you know •• everything should fall into place and, you know, hopefully we'll also come up with answers and some, you know, input from other community

leaders on how we can solve problems that come along with it.

P.O. CARACAPPA:

Okay. I have to cut you off there, Debbie. I appreciate it.

MS. FELBER:

Thank you.

P.O. CARACAPPA:

Next speaker, Richard Dormer, Suffolk County Police Commissioner.

COMMISSIONER DORMER:

Thank you very much, Mr. Presiding Officer, and also I thank you very much for your comments about Police Officer McNaughton, who we welcome back into Suffolk County this afternoon. As you're well aware, the Police Department is going to welcome him back at the County line with a line of officers with the American flag. That's all we •• that's the least we can do for Jim McNaughton and his family.

He's a Suffolk County resident, a fellow officer, and I just wanted to thank you for recognizing the Police Department and NYPD, Suffolk County, and also the State Police from Delaware all the way up from Dover. He's going to be escorted from Dover to the funeral home in Centereach.

I'd like to comment briefly on resolutions that are before the full Legislature. One is IR 1324. It's County policy for the use of foot and bike patrols. I just want to go on the record that this administration, since we came on board a year•and•a•half ago, has instituted hundreds of foot and bike patrols in downtown areas in Suffolk County. We have done that on our own, the commanders are responsible for that. They're doing a terrific job. Crime in Suffolk County was down over 9% last year. It's down over 8% this year so far.

The Town of Huntington, which is mentioned in this resolution, one of the safest towns in the United States, Suffolk County, not by my reckoning, but by Forbes Magazine is the safest county in the United States.

We, the commanders, the Police Department and the communities are doing a terrific job to

keep our downtown areas safe. We don't see that this is necessary. There are some issues in the bill where it says all downtown areas. I don't even know what a downtown area is because it's not defined.

I just want to go on the record as opposing this and leaving the assignment of officers to commanders who know what's happening in their precincts and in their neighborhoods.

IR 1646, ensure adequate protection for Suffolk County residents. And this resolution, by the way, is minimum staffing that would require the Police Department to man sector cars and we have always stated that we want commanders to make the determination on where their officers are needed and when they're needed. We think that this is not necessary.

IR 1349, reestablish Huntington •• reestablish the Huntington field office. Everybody here should know that it's our philosophy to keep officers out of the precincts, out of behind desks and put them on the streets where they're most effective doing the job that they were hired to do. So, establishing field offices is really not in this instance what we want. We want the officers out on the streets patrolling where people can see them, and I think that I should mention that Huntington and the other downtown areas in Suffolk County, where our youngsters congregate on weekends, are very, very safe, and adequately patrolled. And we have •• we have dedicated ourselves to policing the downtown areas, as proven by the last two summers when we've increased hundreds of footposts in Suffolk County during the summer months. Thank you.

D.P.O. CARPENTER:

Thank you, Commissioner. We're going to just take a quick break. Legislator Binder has a proclamation. Legislator Binder.

LEG. BINDER:

Thank you. I have a very distinct honor and privilege as Legislator of one of the most outstanding young people in Suffolk County, maybe the most outstanding of all our young people in Suffolk County, to give him a proclamation from myself and from the Legislature. This young man, Aaron Schwartz, who goes to Half Hollow Hills •• I read through this and I say, wow, what happened to us? I mean, how many on the Legislature can hold their hand up and

say they got a 1600 perfect score on the SAT? Yeah, I didn't think any of us can do that. But Aaron Schwartz got a 1600. I don't know, how do you go through a test like that and not make a mistake anywhere?

An AP scholar with distinction, received the Bausch and Lomb Honorary Science Award. He's a captain of the Science Olympiads for Half Hollow Hills on their science bowl team. He was •• in fact, the team took second place in the regional and first alternate for the nationals in that competition. He was selected to conduct research at the Roswell Park Cancer Institute. He was President of the National Honor Society, captain of the cross country team, so if you think it is all in his head •• he's amazing. Captain of the cross country team, and the team's best distance runner.

So I wanted to ask him and his family to come up, so you can meet, as I say, one of the most outstanding young people that Suffolk County has to offer today.

(APPLAUSE)

LEG. BINDER:

Aaron, I've been a Legislator 16 years, I've been •• I've given a lot of proclamations out to people and groups in my district that have done outstanding things. I have to tell you, in 16 years I don't think that I've ever given a proclamation to someone who has in the short life span that you've had the depth and experience and the achievements and the potential for growth and, in fact, my understanding is that you'll be going to Williams College in Massachusetts. We wish you Godspeed and all the best, and to a wonderful productive life for yourself, for your family, to make everyone proud in our community in Suffolk County. Thank you very much.

MR. SCHWARTZ:

Thank you.

(APPLAUSE)

D.P.O. CARPENTER:

Thank you. We'll go back to the public portion. John Lombardo. John Lombardo.

MR. LOMBARDO:

Good morning, everyone. My company, _AVCO_ Systems, has been a manufacturer on Long Island for 38 years. We've grown over those 38 years by finding, training productive workers. Our President, Mike _Malia_ , has sent me out on a mission to educate Long Island industry in terms of our support of the new workforce we need to grow and fight our global competition.

I'm here to ask for your support for an increase in funding for Suffolk Community College in order for the College to prepare the students, who happen to be our children, for the workplace of the future. They need to continue to offer innovative programs and attract well experienced staff.

We, as industry leaders, recognize the foundation that the College provides to our region's workers, how well balanced Suffolk's course offerings are, and how they are helping to meet the needs of a changing workforce in all industry sectors.

Education is the fuel that powers the engine of change. Higher education is responsible for anticipating the workforce needs of our young workforce. By preparing the workers for tomorrow, the educational community helps corporate America compete in a global economy and fight industries from other nations. The College is meeting that challenge as we speak by innovative programming. They listen to the needs of industry, and provide programs and services in a wide variety of disciplines, whether it be their nursing program, their manufacturing or architectural programs, their preparation of construction workers in HVAC teams, or the needs of local retailers.

Suffolk has established itself as a leader in higher education and, most importantly, workforce preparation.

Theoretically, New York State, Suffolk County, and the students are supposed to share the financial support for the College equally. The numbers show that this has not been the case, and that the County's contribution has diminished. In the meantime, over the last four years, the College has managed to increase its enrollment by over 20%. Even with the demands of an increased student body, the College continues to manage the institution in a fiscally responsible manner.

Suffolk is like the hybrid car, uniquely blending its energy and talents to continue to make

progress. With affordable tuition rates and flexible scheduling, the College is in the unique position to meet industry needs and provide workforce preparation for the future. This battery needs charging and we hope that the Legislature provides that charge. Thank you.

(APPLAUSE)

D.P.O. CARPENTER:

Thank you very much. Next speaker, John McGrath.

MR. McGRATH:

Thank you. I represent Citizens for Family Law Reform, and I invite you all to visit our website at Familylawreformnow.org. Dear Friends of the Suffolk County Legislature, orders of protection, or as I would like to refer to them for the duration of this plea, orders of destruction. They have become the weapon of choice in the Family Law area and serve only to gain an unfair advantage in the courtroom, whether it be in a Family Court or in a State Supreme Court. Orders of destruction are eroding the quality of life here in Suffolk County and quality of life is the one most important reason why we choose to live and raise our families here.

Good men and women from all walks of life, color, religious beliefs are being stripped of their rights once stricken with an order of destruction as well as being stripped of all their property, including their homes, homes that they most probably worked their entire lives to build and/or earn. But this is not the most devastating tragedy. In most instances there are innocent children who are thrust into harms way and what happens to them as a result is undeniably the real tragedy here.

Once a court in Suffolk County awards an order of destruction innocent children automatically become disenfranchised from a loving parent's life and damage cannot be assessed here just yet for the damage is only beginning. Like a snowball rolling downhill, getting ever so out of control and ever so dangerous, the child or children will not only lose contact and communication with one of his or her parents, whether it be by the way of limitations throughout court orders, through court order of restrictions or complete suspension of parenting rights, but those children, or as I will refer to them as innocent victims, also lose contact with that disenfranchised parent's nucleus family •• grandmothers, grandfathers, aunts, uncles, cousins, etcetera.

Even if a parent under the guise of an order of destruction has supervised visitation, the quality time between the parent and child is going to be at best less than beneficial or effectively adequate to preserve the realm of normalcy within that family relationship. Psychological studies nationwide have proven that the ill effects that such a traumatic experience has on children are irreversible and long-term at best and include such problems as poor scholastic performance, promiscuous behavior, drug abuse, violent tendencies and even suicides. This trickle-down effect results only in a future of dysfunction in our society and I am sure no one in this room, let alone this County, wants to encourage a dysfunctional society here in Suffolk County. After all, quality of life is one of the most important reasons why we choose to live and raise our families here. Albeit, a dysfunctional society is inevitable if we don't take necessary steps to preserve the quality of life here in Suffolk County. But first we should be concerned about preserving the family. After all, our children, the innocent victims, are the people behind the numbers, and as the Legislator Mr. Caracappa is once quoted as saying there are real people behind those numbers and they count.

So what do I propose to resolve the issue of this abuse of the system wherein unnecessary orders of protection are handed out like candy to kids with a sweet tooth on Halloween, and I am emphasizing unnecessary orders of protection. There are undoubtedly true cases wherein true victims are in need of the courts help, and the County does offer services to such victims as well. For example, shelters, counseling, legal representation, etcetera.

D.P.O. CARPENTER:

Please sum up.

MR. McGRATH:

It will be directed at this issue of false claims of domestic violence, especially where a husband and wife are concerned. First, I would like to note that an order of protection serves only to empower the courts to administer certain degrees of punishment in the event that the court order is violated. Second, let me ••

D.P.O. CARPENTER:

Sir, if you could please sum up.

MR. McGRATH:

•• clarify that never has an order of protection physically stopped a non•rationale perpetrator from committing a crime against the true victim.

In light of those things I would like to propose that this Legislature take whatever steps necessary to abrogate current policies and laws regarding how Suffolk County Police's domestic violence laws, police calls, civilian complain forms and arrest and how court orders •• courts administer orders of protection. We should be utilizing the skills of our highly trained ••

D.P.O. CARPENTER:

MR. McGrath.

MR. McGRATH:

•• and highly paid police officers ••

D.P.O. CARPENTER:

Mr. McGrath. Please sum up.

MR. McGRATH:

•• by allowing them to operate to their full potential ••

D.P.O. CARPENTER:

You are well over your time.

MR. McGRATH:

•• by allowing them to do what they were trained to do best, police work. First, amend current laws to where ••

D.P.O. CARPENTER:

Sir.

MR. McGRATH:

•• police must access crime scenes and make determinations ••

LEG. ALDEN:

Excuse me. Show a some respect.

D.P.O. CARPENTER:

Sir.

MR. McGRATH:

•• as to whether or not evidence is present to support a claim of domestic violence.

LEG. ALDEN:

Excuse me.

D.P.O. CARPENTER:

All right, all right. Okay. Thank you. Thank you very much, sir. We do have a strict time limit of three minutes ••

MR. McGRATH:

Yeah, I am trying to keep it within that. I have a paragraph and I am finished.

D.P.O. CARPENTER:

Well, you are well beyond it. Thank you very much. I'm sorry. I gave you like an extra minute and a half, so thank you very much. Next speaker, Dr. Pippins.

Sir, if you •• Mr. McGrath, if you want, if you have a copy of the statement you can give it to the Clerk's Office and we'll distribute it to all the Legislators.

MR. McGRATH:

Thanks. I appreciate that.

D.P.O. CARPENTER:

You're welcome.

DR. PIPPINS:

Good morning.

D.P.O. CARPENTER:

Good morning.

DR. PIPPINS:

I am honored to again address the Suffolk County Legislature. I wish to thank you for your continued strategic investment in the College. The results of your invest have been ••

D.P.O. CARPENTER:

Excuse me, Dr. Pippins, if you could just pull the microphone up. Thank you.

DR. PIPPINS:

Good morning. I am honored to again address the Suffolk County Legislature. I wish to thank you for your continued strategic investment in the College. The results of your investments have been significant. Our outstanding faculty, students and programs are receiving state and national support.

We are opening satellite centers. Our College success programs are experiencing success and we have expanded our partnerships. We are also leveraging the County's dollars, securing state matches. Our grants are increasing. Our foundation is mounting a campaign to secure additional funding for our satellite centers, and hospitals are funding our nursing programs. As Deputy Presiding Officer Carpenter indicated last week, we are your partners. You identify nursing, culinary arts, the hospitality industry, downtown revitalization, and a significant "brain drain" on Suffolk County as priorities. Consistent with our mission to provide leadership in service in meeting the needs of our communities, we have developed programs in these areas. We are partnering with Good Samaritan, Brookhaven, Mather and Eastern Long Island Hospitals to expand nursing opportunities and support downtown revitalization in Sayville. We're partnering with communities and State Legislators to address downtown revitalization, culinary arts, hospitality in Riverhead.

Through our high quality Liberal Arts programs and our honors programs, we are encouraging students to take the first two years of higher education in Suffolk and transfer to prestigious institutions. Sixty•four percent of our transfer students transfer to Long Island institutions. Ninety•four percent of our graduates initially live in Suffolk. We're also providing training that

gives residents the skills they need for highly competitive, well-paying jobs. With your support, we will continue to advance our important initiatives, maintain momentum, prepare for Middle States in 2007, leverage County funds, and demonstrate to our partners that the County is matching their investment in innovative programs.

Recent independent economic impact studies indicate in just 8.4 years, New York State and Suffolk County taxpayers see a 100% return on their investment. And in just 8.2 years, Suffolk County students see a 100% return on their investments. This independent economic impact data validates your investment in Suffolk County Community College, and assures Suffolk taxpayers that you are visionary leaders and great stewards of their tax dollars. I thank you for your support. Together, we are maintaining access, enhancing student success, and putting Suffolk County Community College on the national and international map as a college of excellence. Thank you.

(APPLAUSE)

D.P.O. CARPENTER:

Thank you, Dr. Pippins. William Akin.

MR. AKIN:

Ladies and Gentlemen, my name is William Akin. There's another way to do this. I am President of the Concerned Citizens of Montauk, an organization that for the past 35 years has been fighting to protect our environment out on the east end, and before I even get into the issue of Amsterdam Beach, I want to thank the County Legislators for everything you've done in the history in the past for Montauk, which is considerable.

Today, we are considering going •• moving forward on the acquisition of Amsterdam Beach. I want to point out that the federal government is unique in this case, has already contributed funds towards that purpose as toward •• as has the State and the Town of East Hampton. And I very much want to urge the County to join in that •• in that group. Amsterdam is a unique piece of property, but more so, I want to point out that what you are doing on the east end in Montauk by acquiring Amsterdam Beach is building something which is completely unique, not just in East Hampton, not just in Suffolk or Nassau County or New York State, but on the whole east coast of the United States. We are putting together a natural habitat with Camp Hero, the

State park at the point, the County Park at Theodore Roosevelt, Hither Woods, Shadmoor. You're putting together something that will be remembered for decades, centuries, totally unique.

I want to thank you for your efforts in the past and I want to hope that we can continue because as we go along and as the decades pass, we will be remembered, not just by what we create, but perhaps more so by what we refuse to destroy. Thank you very much.

D.P.O. CARPENTER:

Thank you, sir. Next speaker is Cesar Malaga.

MR. MALAGA:

Good morning. My name is Cesar Malaga. I'm the President of the Hispanic•American Association. I was here in this place concerning, you know, the Yaphank development. Let's not destroy the 400 acres of open space that the taxpayers own in Yaphank. There are many vacant office spaces in the County, in the industrial areas that are for rent, so there is no need for us to build factories or office space in Yaphank. I had sent e•mails to many of you concerning this area and we should keep it •• that 400 acres open for the future of Suffolk County and let's not destroy it.

Now, housing. We need housing for our senior citizens, our young people. I have stated many times here, you know, at this Legislature, we need housing to be built and administered by the towns of Suffolk County, and there are lots available in many towns and many areas in which we can build this housing. We had to build what we call smart building and the areas where we can build, they have transportation, housing, schools. We do not need to build affordable housing in Yaphank.

Now, bus transportation. Public transportation is a necessity, not a luxury, and we need to improve bus transportation system. We should approve the introductory resolution you have today, the 1394•2005. We should go a little further. I have come to this Legislature for many years asking you for Sunday bus service here in Suffolk County. We need Sunday bus service in the County on Sundays. I understand that the cost for this service will be \$3.5 million. While the County is collecting extra money from the sale of gasoline, some of that extra money should be used to provide Sunday bus service. I understand that Congressman Bishop, you know, is bringing \$41 million to Suffolk County and therefore •• for the east end, let's put it this

way. We should use some of that money for, you know, for Sunday bus service if it's possible.

The other thing is immigration. I know the Presiding Officer was involved with immigration with the •• with our County Executive Levy. We want to make it clear that many of us who are called, you know, lunatics by County Executive Levy are not in favor of illegal immigration. We detest the treatment of immigrants by the County Executive and the Town of Brookhaven. They allowed housing situation to exist for years. You cannot correct the current situation of housing a short time.

Our country welcomes the poor and the homeless, but we are making immigrants homeless in this county which is against the aims of standards for the •• it's against the situation of our country. We welcome homeless and poor, but right now we are making immigrants homeless, that should not exist. Let's •• we should put a moratorium for immigrants who are part of the economy of the County. Let me tell you that immigration is throughout the world not here ••

D.P.O. CARPENTER:

Please sum up.

MR. MALAGA:

Not here in Suffolk County alone. So I say once again, let's put a moratorium in the eviction of immigrants in the County. Thank you very much.

D.P.O. CARPENTER:

Thank you. Peter Quinn. To be followed by Chris Lis Johnson.

MR. QUINN:

Good morning. There's a story in a poem about a toppled stone statue, and only the pedestal remains. And the last six lines read, "and on the pedestal these words appear. My name is Ozzie Mandias, King of Kings. Look on my worksheet mighty and despair. Nothing beside remains. Around the decay of that colossal wreck, boundless and bear, the lone and level sands stretch far away."

When I think of that poem I sometimes think of the fertile crescent between the Tigres and Euphrates River which today is nothing but a gravel pit long before Americans invaded Iraq, and

I think what could cause decline and decay and collapse on Long Island. Maxine Postal knew when she had a bill passed to ban the 11 percent additive to gasoline, the MTBE law, long before the State did anything. That's why •• and I think the same thing could happen with fossil fuels. That's why in June I introduced before you a proposal to put on the ballot a proposition calling for renewable energy and energy efficiency, \$250 million spread over five years, divided equally among business, government and citizens to do renewable energy loans and incentives for them.

When I proposed that to the energy summit that LIPA had last week, Richard Kessel applauded the idea but thought it ought to be statewide. Similarly, Legislator Carpenter said in committee last week that she thought she would submit a sense resolution, but to me that's an abdication of local responsibility. I believe that when you have an issue that deserves to be done, we need vision and leadership at the local level. That could be put together at proposition and the resolution could be put together in a day. It could be discussed next week in committee and debated, hopefully there'll be bipartisan support for it. It could be acted on August 23rd, two weeks from today. You could get _NYSRA_ to join in preparing the guidelines and the rules within a month. It could be on the ballot with the support of the County Executive by •• immediately after the Legislature passes it, and I believe he would support it. And let the voters decide in November.

This County has always had vision. I would hate to think that the decision about renewables is more toppled stone statuary, particularly in light of \$64 a barrel oil. I hope you'll reconsider or consider renewable energy as I had proposed it. Thank you.

D.P.O. CARPENTER:

Thank you. Chris Lis Johnson.

MS. JOHNSON:

Good morning. I'm from Audiovox Corporation. We presently have about 400 employees in Suffolk County. We've been affiliated with Suffolk County ••

D.P.O. CARPENTER:

If you could, please, ma'am, just bring the microphone up closer. There you go. Thank you.

MS. JOHNSON:

Okay. We've been affiliated with Suffolk County Community College's Corporate Training Center for a little bit more than two years now. We started our relationship with the Training Center in May of 2003 when we had an ESL class for the •• at the workplace for our assembly and warehouse employees. After that, with the Training Center's help, we applied for and received a SUNY Workforce Development Grant. Because of that grant, our employees were able to attend more ESL classes, as well as stress and time management classes. Since then, our employees have been able to continue with their ESL classes through the ABEL Program, that's the Adult Basic Education and Literacy Program, which is offered through the Suffolk County Department of Labor in partnership with Suffolk County Community College. Our ESL students have become more self•confident as their communication skills improved.

Had we not formed a relationship with the Corporate Training Center at the College, we would not know of and been able to take advantage of these programs. The Training Center has been very responsive to our needs. For example, when we entertained the idea of having classes in basic keyboarding and Spanish for supervisors, the College helped us explore the logistics. Our affiliation with the College allows us to offer programs that we might not otherwise do. We believe offering these programs makes us a better employer, thus helping us to retain some of our employees.

It is our hope and desire that the County will increase support for Suffolk County Community College. Thank you.

(Applause)

D.P.O. CARPENTER:

Thank you. Assemblyman Steve Englebright.

ASSEMBLYMAN ENGLEBRIGHT:

Thank you. I appreciate the courtesy of being able to address you at this time. My name is Steve Englebright. I am a member of the New York State Assembly, and more importantly, formerly a member of this august body. I'm here today to speak on resolution number 1640, which has been put forward by Vivian Vilorio•Fisher. This resolution would establish a contract with the Boys and Girls Club and CYS, Community Youth Services organization, to be stewards of new athletic fields that would be built, complete with restroom facilities and storage on

property at Sheep Pasture Road. I have some history with that and that's why I wanted to be here.

This was one of the first resolutions that I put in when I joined the Suffolk Legislature, and it's taken more than 20 years for this property to really be at a point where it is fully ripe for public benefit. The property, which is part of a complex of County parkland in East Setauket, right at the junction of three municipal jurisdictions •• Port Jefferson, Port Jefferson Station, and the Three Village School District. The Comsewogue School District, the Port Jefferson School District and Three Village School District all come together at this place.

The original use of the land was to make it into a sand pit and the owners then tax default. It went to the County with the help of my colleagues at that time. We placed this into County park purposes because of its strategic location and it's potential because they had left a level bottom to this almost 40 acre sand pit for developing a new paradigm for Suffolk County. We have this spectacular park system but we have too few partnerships with not•for•profit organizations. It was apparent even then that the real potential for Suffolk park system that was lying before us was to join with not•for•profit organizations.

When you look at New York City, which has a much longer history of involvement between parks and not•for•profits, you see such things as the New York Zoological Society, you see such things as the extensive relationships in Queens and in Brooklyn the Brooklyn Botanical Garden. All of these are on City parkland.

This resolution that is before you offers the same potential for our County to enter into a long •term not•for•profit and Suffolk County partnership for the benefit, in this case, of the children of our County and by extension this model, if extended into each of your districts, is something that would be useful and indeed very helpful to the development of the entire park system.

So I am here to say, and I'll sum up, I'm here to say, please support resolution 1640. It has great significance both in the specific site and in a larger sense as a model for partnerships between not•for•profits and the County park system throughout this great County.

D.P.O. CARPENTER:

Thank you, Assemblyman Englebright.

ASSEMBLYMAN ENGLEBRIGHT:

And I thank you for your time and I appreciate it very much.

D.P.O. CARPENTER:

Thank you. Ray Calabrese, followed by Bret Evans.

MR. CALABRESE:

Good morning. Ray Calabrese representing the Port Jefferson Civic Association. And I rise in favor of resolution 1394, which enhances bus service on Route 60 between Port Jefferson and Stony Brook. By setting the schedule at one half hour intervals this change is both desirable and manageable. Desirable and manageable for the students who live in Port Jeff and go to the University of Stony Brook, desirable and manageable for the residents of Port Jefferson, who work at the University. It's also desirable and manageable because it enhances the use of public transportation.

As I was driving here I noticed that gas •• just down the road is at \$2.59 regular fuel. Encouraging use of public transportation not only alleviates the traffic on our highways, but also conserves fuel. I urge its adoption, resolution 1394.

And as an aside and speaking as an individual, I would urge this body to adopt a Sense of the Legislature resolution whereby it asks upon the residents of Suffolk County to voluntarily conserve gasoline fuel by reducing their driving speed by five miles per hour over 45. Reduce by five over 45. If the speed limit is 50 go, 45. If it's 55, go 50 and so forth. In this small way we can help the situation.

Congress passed a bill which took four years to come about, a so•called energy bill. Look at it carefully, it's not going to do much. It's not going to do much. You know, we can increase daylight savings time by four weeks, that's not going to do much. We can have ethanol put into our gas, you know, save 80,000 gallons a day. It takes 100,000, although, to produce that savings.

So anything we can do here at the County level and the county's throughout the country in increments is good. So I urge once again adoption of resolution 1394. Thank you.

D.P.O. CARPENTER:

Thank you. Bret Evans followed by Michael Mart.

MR. EVANS:

Thank you. My name is Bret Evans. I spoke here in the year 2003 about the corruption and cronyism in the Supreme Court in Suffolk County, that I've been able to see firsthand for the last five years. I'm the father of two children, ages five and seven, and I've been the victim of an attorney, a firm •• Foster and Vanderburgh, located in Westhampton and the attorney's name is Frederick C. Foster. He has a bag of dirty lawyer tricks that he's using and his advertisement is on the back of Peconic phone book, and he's the past president of the Matrimonial Law Bar, and at that •• at that juncture is where cases are fixed.

My wife was five months pregnant and she had some medical issues and she needed some time away from me, so I gave her a couple of days space and she hired this attorney, and the next thing you know I had five unfounded CPS reports generated and three criminal actions and the Southampton Town Police Department has the laws in order to stop this abuse of power and the sharp law tactics used by Frederick Foster. The Penal Law 210•45 makes it a crime to make a false statement to a police officer. I've had 80 such instances in my case, and I just find it •• I find it necessary to come here and ask my representative to go to the Southampton Town Police Department and look into cases in which there have been five unfounded CPS reports and nine orders of protection thrown out because there was •• it was all fabricated. Thank you very much.

D.P.O. CARPENTER:

Thank you, sir. Michael Mart followed by Joni Altner.

MR. MART:

Good morning. My name is Michael Mart. I'm a business owner and resident of the Village of Port Jefferson, have been since 1972 and I'm here this morning to speak on behalf of resolution 1394, enhanced bus services on Route S60. I also have had the privilege of representing Legislator Vivian Vilorio•Fisher on the Downtown Revitalization Advisory Panel. And I know that this proposal for increased bus service is a well considered proposal. The Legislature has been working on it for a number of years. The Downtown Revitalization Advisory Plan has looked at it and helped with it during that period. It's a well advised increase in bus service that will have, I think, many positive effects. Among them would be improving business in Port

Jefferson, both uptown and downtown.

As many of you know, Port Jefferson is a destination area at the downtown level by a ferry. It has parking facilities that are not •• that are larger than uptown, but in order to get from downtown to uptown, it's not well served by public transportation and it's a steep and arduous walk for many. A bus that would run on the half hour basis that would go from downtown to Port •• to uptown would be most helpful to the uptown area. It would aid those who live and work •• I mean who live in Port Jefferson but who work in areas between Port Jefferson and Stony Brook Village including the University.

Right now the bus service that is provided runs on an hourly basis so it makes it inconvenient and unreliable to those who live along that corridor to rely on bus service because if they miss it they have to wait an hour. That's too much to ask. So they're dependent upon their cars and all that that implies to get to and from work.

For those that arrive in Suffolk County in Port Jefferson via ferry there's no public transportation that's regular and reliable enough to let them go to visit the Village of Stony Brook, the museums at Stony Brook, the State University at Stony Brook and the Three Village shopping area. This bus service would allow them affordable and regular transportation from the ferry to those destinations. It also is by modalin effect in the sense that it will connect in a regular basis, in an affordable basis, those that arrive in Port Jefferson Station via the Long Island Railroad. They can go from the railroad to the ferry, make that necessary connection on a half hourly basis, which is very important, or go to those other destinations, any stop in between Port Jefferson Station and the Village of Stony Brook will be served.

D.P.O. CARPENTER:

Thank you, sir.

MR. MART:

Thank you.

D.P.O. CARPENTER:

Joni Altner, followed by Larry Penny.

MS. ALTNER:

Thank you for allowing me to speak. I have two things that I •• I have two things that I wanted to speak about today. First, Long Island Communities Unite. Our goal is to protect the character of neighborhoods, plan for sustainable productive growth, and insure the protection of neighborhoods from illegal rooming houses that in most cases was attainable housing taken out of circulation preventing hard working individuals and families from using them and instead those dwellings became income producing, neighborhood destroying hubbles of human suffering. Greedy profiteers of human suffering who care not of others, who defy codes and laws and who have no respect for the value of a neighbor or a community must not prevail. Anyone who asks the County to keep hands off to allow those embarrassments to humane society to exist are not acting in anyone's best interest. To suggest those victims are satisfied to be living in those insulting hubbles is a disgrace.

I am here today to thank County Executive Steve Levy and Presiding Officer Joseph Caracappa for taking the very difficult first steps toward restoring the integrity of neighborhoods and reassuring all of those who look to those who govern us that they care about all of us, whether we are documented, whether we are legal, no one should be thought to •• that it's okay for them to be living in those conditions. They weren't even living, they were just existing. Those disgraces have got to be closed down.

Quickly I just want to say on a completely different note the property owners of Eatons Neck Beach Association, which is my civic association, would like to acknowledge and thank two outstanding County employees. I don't know if you are aware that you have two really fantastic people who work for the County Health Department, Martin Trent and Mack Waters.

I'd to give you a quick anecdote about something Mack Waters did. He was with •• he's with the Water Department, funny enough. On a weekend he had to go away and he was at his daughter's house in Poughkeepsie but he took my cell phone number with him because one of our beaches were closed due to a high bacteria count. And he was so concerned that as soon as the beach was able to be open he wanted to get it open and he called me on a Saturday at 11 in the morning to let me know that the beach was okay to be open.

Talk about dedication, talk about fantastic workers, all of us should know that there are some really outstanding people who work for Suffolk County. And I just wanted to let you know that we know who they are and appreciate them and we wanted you to know, too. Thank you.

D.P.O. CARPENTER:

Thank you. And unfortunately there are many, many •• the vast majority of our County employees are the same kind of dedicated worker, but we don't always hear about it, so thank you for mentioning that. Larry Penny followed by Councilman Job Potter.

MR. PENNY:

I'm the Natural Resource Director of the Town of East Hampton and I have been so for 22 years. In 1987 I believe Suffolk County Legislature, I don't know if any of you were on that Legislature at the time, but Mr. Englebright who spoke before you was, made a pioneering step and went in with the town and the state and bought about 600 acres of land, Hither Woods in Montauk, and that three way deal has worked wonderfully and set the precedent for these further partnerships between the town and the state and the County.

Amsterdam Beach is a wonderful piece of land, adding it to •• in Montauk adding it, the 122 acres to the county, state and town holdings, will continue to enhance that park that we all enjoy. I work with your people, the Suffolk County park people, the state people and so forth all the time, cooperatively. It's a really wonderful system. We treat everybody with respect and I hope that you join again with the town and the state and this time the federal government to put Amsterdam Beach in that system. Thank you very much.

D.P.O. CARPENTER:

Thank you. Councilman Potter.

MR. POTTER:

Good morning, everyone.

D.P.O. CARPENTER:

Followed by Cliff Hymowitz.

MR. POTTER:

Good morning. I'm Job Potter. I work on open space acquisitions on behalf of the East Hampton Town Board. On behalf of the Town Board, I'd like to thank the County and the

Legislature for the wonderful product •• projects that we have worked together on in the past. Suffolk County has been our greatest partner in open space acquisition and we look forward to working with you in the future.

On this particular 122 acres in Montauk is a very important addition to the parkland in Montauk. It's unique. In this case, we have almost a million dollars in a federal grant. I want to get these •• sorry •• get these numbers right. New York State is contributing \$4 million and Governor Pataki was out for a press conference about ten days ago. We are hoping that Suffolk County will contribute \$5.5 million and then the town is coming in with \$6 million from our CPF funds. So I will be here later if there are any questions.

It is resolution 1770, and I would also ask you to support resolution 1742, which is a smaller acquisition in Montauk, the Capurso property, which is being put forward for planning steps. Thank you very much.

D.P.O. CARPENTER:

Thank you. Cliff Hymowitz.

MR. HYMOWITZ:

Hello. My name is Cliff Hymowitz and I want to thank the Legislators that stuck around to hear what I had to say. I'm sorry to see that almost half •• everybody is gone already during public input, but •• my name is Cliff Hymowitz and I am with Concerned Citizens for Public Transportation in Suffolk County.

D.P.O. CARPENTER:

Just to let you know Legislators at times have to step out but the speakers are on in the back so they can hear what you're saying.

MR. HYMOWITZ:

Okay. Like I said, I'm Cliff Hymowitz and I'm with the Concerned Citizens for Public Transportation in Suffolk County. I'm also just newly selected as the Chair of the Transportation Advisory Board and I'm here to speak in support of 1394 for all the reasons that everybody brought up but a couple of other ones that haven't been.

One of them is that it is going to increase access between the railroad station and Smithaven

Mall which we're hoping is going to have the first public transportation hub, and I'm hoping that other mall projects in Suffolk County will look on this as a positive move and maybe adopt the same thing in other parts of the county as well.

I'm also •• had requests from this body that we're •• the Transportation Advisory Board is going to be meeting next Tuesday at 12 o'clock in this building in the Clerk's conference room. If somebody could supply for us in more detail what is going to be •• this additional service is going to bring, whether •• because we've heard conflicting things where there's going to be an additional route of a _circular_ or it's going to be more •• less headway, or is it going to be more additional stops. So if somebody could, you know, have for us at the •• when we meet next Tuesday at 12 o'clock a little more information about what service it is I would really appreciate it. And I know all of you who have shown in the past the vision and knowing that we need more public transportation in Suffolk County, so I hope that this goes unanimously supported. Thanks a lot.

D.P.O. CARPENTER:

Thank you, Cliff. The next speaker is Tom Isles.

LEG. VILORIA • FISHER:

Madam Chair, my office will be providing that.

MR. ISLES:

Good morning. Tom Isles from the Suffolk County Planning Department. I would just like to speak very briefly on several resolutions that are before you today.

First to speak on 1769, which is known as Baiting Hollow Realty. We would like to express on behalf of the department the support of this acquisition resolution. It has been recommended by the County Farmland Committee.

Also, 1770 which is Amsterdam Beach. There have been several speakers on that already today, and that is a strong acquisition with multiple partners. We think it is •• warrants your positive consideration as well.

1771 is a small acquisition, but is part of a larger corridor in East Patchogue known as Mudd

Creek. Significant preservation efforts by the County on that one and we would ask for your consideration of that as well.

Several acquisitions that we do have some concerns for, starting with 1081, which is North Fork Preserve, is a farmland acquisition that has not been recommended by the Farmland Committee. At this time we would not recommend your approval of that. Perhaps at some point it could fit into an open space program. It is being considered by the State of New York. We would not recommend it under the County program at this point.

1187 is a Guld Pond acquisition in the Village of Lake Grove. It is a good acquisition. However, the resolution •• the last version I saw was a planning steps resolution, the County Executive resolution which is 1772, does contain the full authorization and the acquisition numbers and so forth, but we would just caution you on 1187 as it was drafted at the EPA Committee meeting last week.

Resolution 1298 is known as the Coffey parcel in Nesconset. The sponsor of this resolution, Legislator Kennedy, has worked diligently to try to improve the point rating and he has. We have identified certain groundwater characteristics and rare species characteristics that increase the point value of this acquisition. However, we do note that it is borderline and it's something at this point that we would urge caution on in terms of fitting into a County acquisition program.

And then just two others, 1725 the Ellgreen acquisition. This is a resolution to consider an acquisition under the Farmland Program. We feel that this sponsor's prior resolution in 2003 does give us the authority to get at least the planning steps for the farmland acquisition so we do consider that this would be unnecessary at this point.

And the last one is 1742, which is the Capurso parcel in East Hampton and Montauk area. This is a parcel that is adjacent to Montauk Down State Park. It is a parcel that ranked 25 in the scoring system. It's not a bad parcel from an acquisition standpoint but we do believe it fits better into a state or town acquisition. There are no County holdings in this area and it is directly adjoining state property. Thank you.

D.P.O. CARPENTER:

Thank you, Commissioner. I just want to remind everyone that we are breaking as advertised on our agenda at 11:00 for the college budget. Next speaker Lynn Ryan. Lynn Ryan?

AUDIENCE MEMBER:

I'll get her.

D.P.O. CARPENTER:

Okay. In the meantime, next speaker, Lisa Greci.

MS. GRENCI:

Good morning, members of the Legislature. I'm Lisa Greci. I'm Chairwoman of the Montauk Citizens Advisory Committee and I'm here to express our support for resolution 1770, authorizing the acquisition of Amsterdam Beach in Montauk. We also support the planning step resolution 1742 regarding the _Capurso_ property.

With regard to Amsterdam Beach, this property is the last parcel left in our hamlet over 100 acres, and our residents strongly support the partnership that's been made between the four levels of government, federal, state, County and town, and we'd like your support again for resolution 1770. Thank you very much.

D.P.O. CARPENTER:

Thank you. Tom Breeden.

MR. BREEDEN:

Good morning. I'm Tom Breeden, President of the Guild Middle Management at the College. I've met one or two of you on occasion in the past, and it's my pleasure to come and thank you for your past support and to thank you once again. I understand that it's probable that we'll get a 4% increase, and I want to thank you for that as well.

I wanted to mention that I •• not only do I come to the Legislature once in awhile, but I've been a teacher full•time for over 20 years. I've worked with, personally, over 4,000 students at your Community College. You are the sponsor and you should be very proud of your College. I know something about the balancing act that you have to do. The founding fathers would be proud of the work that you do, balancing the interest of the taxpayers with providing services to the taxpayers. The Community College has a similar balancing act between providing access, which means low tuition, but providing quality, which costs money. So, I

guess what I'm here to say is I want to thank you for that 4%, but I would hope in the future you might dig a little deeper in a time of County surpluses. I had hoped that you might come a little closer to the one-third. The Community College takes about 2% of the County budget, so a larger percentage towards us would mean virtually nothing to the average taxpayer. My property tax bill includes about \$5 per year for the Community College.

The 4,000 students I've worked with, I've never had one discipline problem in 20 years. These are nice people. These are lower middle class to upper middle class, wealthy and poor, people striving to get better. They need your support. Trust me, we can afford it.

So, I want to thank you. I'm hoping you'll support the bill today, but next year, I'd like to see a little more, if you could. Thank you very much.

LEG. ALDEN:

Hey, Tom, you never had me in your class, huh?

D.P.O. CARPENTER:

Thank you, Tom.

MR. BREEDEN:

You're one of our graduates, though, I understand.

LEG. ALDEN:

Absolutely.

D.P.O. CARPENTER:

Joseph Werner.

MR. WERNER:

Actually it seems many Legislators •• it's like a homecoming. The reason I'm here is no one •• no one should lose their house or property without receiving official notice where they signed that they •• that they got their notice. Now, I received •• erroneously I received a notice of the tax due on property, one of the houses that I own that I sold, that I really have nothing to do with now. But it came in just a regular envelope like an ad. Now, excuse me, in it it said that if the taxes aren't paid by September first it was going to be advertised and it gave three papers

that a lien had been put on and would be sold.

Now, I would hope that you would investigate this and make a requirement that anyone who's house or property is about to be sold for tax purposes be notified where they have to sign either a certified letter or registered letter. That should be a requirement. Now this house was sold in Brookhaven, the County, but when I went to the Brookhaven Town Hall, they said I should go to the Suffolk County Treasurer's Department, because I didn't want the people who own the house now to lose it. And they were shocked to find out they had to pay \$250 for a late payment that they knew nothing whatsoever about.

So, again, I just ask that you investigate this and make it a requirement that anyone who's house is going to be or property is going to be sold that they have to sign that they received notice. Thank you. This is a lot faster than I usually talk.

D.P.O. CARPENTER:

Thank you, and we appreciate it. Elizabeth Krolik.

MS. KROLIK:

Good morning. My name is Liz Krolik and on behalf of the Long Island Progressive Coalition I'm here to support resolution 1394 which is going to enhance the bus services on Route 60 and it's going to include additional service for Stony Brook Village. This needed service will extend services from Port Jefferson to Stony Brook Village. The bus will stop at locations that currently are without service, including Stony Brook train station, Long Island museums, and Three Village Inn.

In addition to providing the needed public transportation, this bus service will reduce motor vehicle congestion and employees working in Port Jeff, Setauket and Stony Brook areas will have easier access to their jobs. Adding this bus service will also address the shortfalls in the number of available parking spaces in these downtown areas as more folks will choose to ride instead of drive. This will make it easier for consumers to get to local shops and will give local tourism a boost.

I just want to sum up by saying that LIPC supports a robust public transportation system mainly because it's smart. We need to provide more options beyond the vehicle for

transportation and we hope you support this resolution. Thank you.

D.P.O. CARPENTER:

Thank you. John Jilnicki.

MR. JILNICKI:

Good morning. John Jilnicki, Deputy Town Attorney for the Town of East Hampton and I'm appearing on behalf of the Town of East Hampton in support of resolution 1743.

This resolution that's before you will allow the town to exchange property that was acquired in the past, I believe around 1987, from the County for other property of a nearby property owner, private property owner. This exchange will allow us to provide a missing link to a road that would provide access to a pending commercial development. Without this linkage, the only other means of access to this commercial development is through a residential area. This proposed alternate route would in fact open an unopened road, which runs primarily through commercially used property, some undeveloped property, which would also be probably used in a commercial fashion in the future.

This alternative road, which we need this property for, is also the preferred method for access by the Planning Board, the Planning Department and the town engineer. It's also supported, of course, by the area residents that reside on the alternate developed town road. It's a little confusing, both roads happen to have the same name which makes it hard to described. They're both called West Drive •• West Avenue, I believe.

The property that the town acquired from the County has a restriction that the property only be used for governmental purposes and contains a right of reverter that if it's not used for such purposes it reverts back to the County. The County •• this property that was acquired from the County also happens to be adjacent to private property, which is used commercially. It really would not serve any governmental purpose any time in the future. However, if we could either remove these restrictions or transfer them to the property that the town will be acquiring, this will allow us to place the road in that would provide access to this pending commercial development and other commercial developments in the future.

I guess that's probably I can •• it's a little confusing. I'm happy to •• if there is any questions that might come up I would be happy to address them. But basically this is the means of

access that is supported by the residents, by the Planning Board, by the Town Board, and it's the most intelligent means to access this portion of property and we can't do it without the County Legislature's help. So I urge you to support 1743. Thank you.

D.P.O. CARPENTER:

Thank you. Charlie Capp followed by Bram Weber.

MR. CAPP:

Good morning. For the record my name is Charlie Capp. I'm an environmental planner at the Group for the South Fork. Group for the South Fork is a non•profit organization committed to the preservation of eastern Long Island's natural resources and rural heritage. We have over 2,500 members comprised of year•round residents, second homeowners, local businesses and foundations.

We would like to take this opportunity to voice our support for the acquisition of the Amsterdam Beach property in Montauk. We are thankful to have a County Legislature that understand and appreciates the importance of preserving environmentally rich and unique places such as Amsterdam Beach. On behalf of our organization I would like to ask this Legislature to vote in favor of the cooperative public land acquisition of Amsterdam Beach and thank you for your leadership in protecting the environment and natural resources of Suffolk County.

D.P.O. CARPENTER:

Thank you. Bram Weber.

MR. WEBER:

Good morning. Bram Weber from Weber Law Group. I'm here representing Mark Mediavilla. I'm here concerning resolution 1694•04. I'm here to ask you to vote no on this resolution. My client, Mark Mediavilla, can't be here this morning because his wife is actually giving birth to I believe it's their second or third child this morning, which will be another Mediavilla to own this property. This property is 35 acres. It is part of the 100 acre Mediavilla holding in the Town of Huntington. They've owned this property for 65 years. I have been here before you once before as has a colleague from my office to state unequivocally that the Mediavillas for this particular parcel are not willing sellers. They have no intention of ever selling the property.

The resolution before you is to authorize eminent domain proceedings. We believe that the resolution is inaccurate in that it describes certain species on the property which do not exist. We have a three volume draft environmental impact statement which we prepared, which we're happy to share with any of you, that has been submitted to the town which states so.

The resolution also discusses that this type •• that this would be a type two action under SEQRA. In the sections that it states, 20, 21 and 27 of 6.17 •• 617.5 actually are inapplicable to this action so the resolution itself we believe is deficient.

This specific site, if I may just for a minute, is sparsely vegetated. Much of it is sand. It has been used by unauthorized motorcycles and ATV's for unauthorized recreation uses. There is a commercial structure on the property. It fronts, as some of you may know, Jericho Turnpike. And our proposal for a true smart growth mixed use development of office, residential and retail uses has civic and support of town officials and County officials, some of whom we've met with.

The applicant is proposing affordable housing, which as we know is needed in this community and certainly in this county. He has letters of support from area businesses for his next generation housing proposals. Again, I ask you to vote no on resolution 1694•2004. Thank you.

D.P.O. CARPENTER:

Thank you. The next speaker is Supervisor Josh Horton. I would just remind Legislators that we will be addressing the Community College budget in just a few moments so if you could please report to the horseshoe.

SUPERVISOR HORTON:

I'm not going to touch the microphone as I witnessed several near accidents with it this morning.

MS. JULIUS:

Just pull it out.

SUPERVISOR HORTON:

Oh, that's all right, I think I project well enough.

LEG. LOSQUADRO:

No, you've got to lift it up.

MR. HORTON:

Okay. I'm going to pull it out as instructed, indeed. Good morning, members of the Legislature, and thank you for providing me with this opportunity to address you here today. I'm here on two matters. One is to speak in favor of the matter that's on your agenda, addressing revenue sharing of the Suffolk County sales tax for public safety, I believe brought forward by Legislators Schneiderman, Caracciolo, and a number of other Legislators I saw sign on to the bill.

Just let me say in advance that I've appreciated the interaction you've afforded me and my colleagues, the open mind that you've kept, and the dialogue has been productive and a learning experience for me as well. So, thank you for your time on that and I ask you to support it.

In addition, I'm here to address the Suffolk County Community College budget. And I just want to take a step back and personify some •• an initiative, or I should say a relationship with the College. I was not like the young gentleman who was honored here today with a proclamation, Mr. Schwartz. I was not one of the Mr. Schwartzes of the world. I had the distinct honor of graduating in the bottom five of my high school class of 1990. But when I was 22, when I got out of the military, I returned home, and Suffolk County Community College allowed me the opportunity to commence my college education. I spent two semesters and earned grades enough to afford me a full scholarship to one of the leading environmental colleges in the United States, the Evergreen State College in Washington State.

Suffolk County Community College empowered me to earn a four•year degree, it empowered me to become a commissioned officer in the United States Coast Guard, and empowered me to return home to Long Island to serve as a public official.

Funding for the Community College here in Suffolk, the return on investment cannot be quantified, because it's the return within the community. It's a return through the financial and economic markets of the Island, but it's also in a broader context a stabilizing factor and a growth mechanism for the type of community we all serve and the type of community we all

work so hard every day to ensure moving on into the future.

So, I just •• I plead for your •• you to continue your progressive initiatives and your progressive approach to funding the College. And let's think bigger. Let's think not just meeting our County mandate to fund the College, let's think about exceeding that, so we can continue to be one of the leading economic markets, one of the leading places to live, safest places to live, and best places to live in the country. Let's continue to fund and provide the support that Suffolk County Community College needs. So, thank you for the opportunity to speak and share my own experience.

(Applause)

D.P.O. CARPENTER:

Supervisor, thank you very much for your heart•felt words, and thank you for being part of the 64% of graduates from the College who return back home to Long Island.

LEG. BISHOP:

Congratulate him on his retirement.

D.P.O. CARPENTER:

He's not retiring. He'll be back I'm sure. Next speaker Lynn Ryan and we will be going to the college budget. It is nearly 11:00. Lynn Ryan? In the meantime, I would ask all Legislators to please report to the horseshoe. We will be addressing the Community College budget. And in the interim, if Mayor Imbert is still here and wishes to address the Legislature. Peter Imbert?

LEG. MYSTAL:

He's gone.

D.P.O. CARPENTER:

He's left? Okay. Mayor Rickenbach of East Hampton, is he still present?

LEG. ALDEN:

Some of them are at a press conference.

D.P.O. CARPENTER:

I don't know if the press conference is still going on or not. Is it?

LEG. O'LEARY:

It's just wrapping up.

D.P.O. CARPENTER:

Is it.

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Okay. Bill Myers.

MR. MYERS:

Hi, how are you doing? My name is Bill Myers. I live in Shirley. I was at a couple of offices, Bill Lindsay's and Mr. O'Leary. What I'd like to talk about is Megan's Law.

We keep getting letters from our school district that tells you level three and level two. Level three they tell you the name and address, a level two they just tell you the name. I don't know how to do it, but I'd like to see the law changed to where a level two they also tell you where they live, and a level one who they are and where they live.

In my town of the Shirley there's 16 sex offenders. There's two level three. One is a rapist that came up from Georgia and signed in and one is a young man around 35 years old who fondled a little boy twice, stuck his hand down his pants. He got between two years and four years. And it was two counts consecutive. He's a level three. There is other people in the town that are level two that have sodomized, raped eight year old girls, ten year old girls, multiple times. They're level two, and they're on probation. One gentlemen, not a gentleman • • I don't know how I could say that •• one guy raped a girl 20 years old, he raped a 14 year old girl who he knew, so it's either a family member or non•family member, and he got convicted ten years, sentenced. He spent four months in jail.

You can get all these statistics by going on to Megan's Law •• Parents for Megan's Law, and you

go through a couple of disclaimers and you type in your zip code and they'll tell you in your town where they are or who they are, but only they'll tell you where the levels three's are. In Suffolk County, there's 467 sex offenders in Suffolk County. In New York State, there's 141,000. In New York State, there's 770 sex offenders of boys, girls, rapists, that they don't know where they are anymore, they're gone, they've absconded. If there's a repeat offense on these sex offenders of the 467, there's 330 something little girls and boys that are going to be sodomized or raped again.

There's just something that has •• once these kids are affected, once they're touched, to get up to that point of where they're actually caught, they say that there's •• they have to go through 80 kids or rape 80 people or offend 80 young children. And if you multiply that times 467, there is 37,000 of our youth, little boys and girls, that are being affected.

D.P.O. CARPENTER:

If you could, please sum up.

MR. MYERS:

Okay. There is talk about a prison, that there might be a prison built in Suffolk County. Maybe that would be a good idea. Because as I have just talked for my three minutes somewhere in New York State a little boy or girl has been sucked into a car and sodomized. Thank you very much.

D.P.O. CARPENTER:

Thank you. I would just ask all Legislators to please come to the horseshoe. We are going to be doing the College budget. Maybe we could begin by asking our newly sworn in Director of the Budget Review Office to give us an overview, Gail, conferring with Legislator Bishop. We thought perhaps what we would do is have you give a brief overview of the omnibus resolution that we have before us on the Community College budget.

MS. VIZZINI:

The omnibus resolution was put together after several work sessions of the omnibus work working group. What it does is it invests in the college by increasing the County contribution 4%, which is •• which provides \$1.399 million. The intent of increasing the County's contribution is to allow the college to rollback the •• their anticipated tuition increase by \$50. The new tuition rate is then expected to be 29.90, which is \$150 less than the newly adopted

Nassau Community College tuition rate.

The omnibus also updates the current year 2004•2005 estimated budget. The recommended budget shows a \$2.5 million carry over fund balance, which was very optimistic. We have reduced the fund balance to reflect expenses that have already been made. We have reduced it to the extent of \$1.9 million. We have also realigned retroactive pay increases that were provided for in the 05•06 budget. They really are going to be paid and the auditors will put them in the current •• current years budget, so that is included in that 1.9 million.

The omnibus will bring the total number of new positions to 20, ten provided in the recommended and an additional ten provided in the omnibus. In the omnibus those ten positions include six full•time assistant professors and four support positions. Of those, three are for the nursing programs that we have with our partnership with the hospitals.

The omnibus also incorporates the fiscal recommendations of the Budget Review Office, particularly that show appropriate budgeting for heat, light and power, and other expenditures that have already taken place in the current year. We actually reduced the 2005•2006 appropriations by a million•eight. A large portion of that is the fact that this college budget was prepared prior to the County realizing that we are anticipating a significant savings in our health insurance. A portion of that savings will be directly attributable to the college. Therefore, we took out what we believe to be surplus appropriations. It's a conservative estimate. We reduced the health insurance by \$1.7 million to offset any of the new positions and other things that we included in the current year budget.

The current year budget also restores the advertising expenditures that the college had originally requested. This will permit them to reach out, get the word out regarding the nursing program, regarding their HVAC program, and to reach certain target populations. Sixty •thousand dollars is also restored. It is the funding level for the computer, math and science scholarship program. That is basically the highlight.

D.P.O. CARPENTER:

Thank you very much, Gail. Legislator Lindsay.

LEG. LINDSAY:

Really, just a point of clarification, Gail, from your presentation. I believe I'm correct about this. You said there was a \$50 reduction, but actually the billing was for •• for a \$200 increase and we rolled it to 100; is that right?

MS. VIZZINI:

That's correct, Legislator Lindsay. We did find out from the College that because they needed to send their information out, they assumed a two hundred dollar. When the County Executive prepared his budget, it assumed revenues from tuition based on \$150 increase.

LEG. LINDSAY:

So, the actual rollback is a hundred from what the student was billed.

MS. VIZZINI:

If you look at it that way, yes.

LEG. LINDSAY:

Okay. And the other point in your presentation, as I recall, the College requested initially 17 positions and we funded 20 positions, and the difference of the three is the nursing positions that are funded by the hospital, really, or subsidized by the hospital?

MS. VIZZINI:

That's correct.

LEG. LINDSAY:

Okay.

MS. VIZZINI:

The agreements with the partnering hospitals were consummated after the College made its request and after the County Executive put its budget together.

LEG. LINDSAY:

So, those •• the additional three positions have no financial impact on ••

MS. VIZZINI:

They are completely offset by an accompanying revenue the same amount.

LEG. LINDSAY:

Thank you.

D.P.O. CARPENTER:

Legislator Alden.

LEG. ALDEN:

I'm very glad, and actually pumped up now to see that we're finally going to reverse a trend that I found very troubling. And years ago, when I first became a Legislator, we were up in the 29%, maybe even close to 30%, as far as contribution to the operating expenses at the College. And I think that that was a way that we had promised people that we were going to actually highlight one of the gems that we have in Suffolk County. People look to education and that's one of the reasons why somebody would come to Suffolk County and settle here. But, more importantly, the people that are already here that want to go to college, Suffolk Community College was providing an affordable alternative.

And this year, if we'd adopted the recommended budget, we would have fallen below 26%, and I think that that's shameful on our part. And I think that this •• the details are very important, and we've worked hard on that, but we do have professionals to work out the details and we have to sort of trust the professionals we have over at Suffolk Community College, with a little oversight, but we do trust you and you're doing a great job over there. And I think that this 4%, it's more symbolic that it sends a message to the students, it sends a message to the people in Suffolk County that we are behind our higher education institution, and that I think that •• I hope I should say, I know •• I hope that this is the first step in a number of years where we do use that 4%, increase 4%, and get back up into that 33% that we had promised the people of Suffolk County, we had promised the potential students of Suffolk County that we were going to provide an affordable education. I think this is a great step that we're taking today if we pass this very symbolic 4% increase, so.

And congratulations to those members of the College that are here. I see some teachers here, I see administrators, and you're doing a great job. You're sending the message to the people of

Suffolk County, and we could send a message today, hopefully.

(Applause)

D.P.O. CARPENTER:

Thank you. Legislator Fisher, Vilorina•Fisher.

LEG. VILORIA•FISHER:

Thank you, Madam Chair. Most of what I wanted to say has been said by Legislator Alden, which is that we did work on this in a bipartisan manner, with the intent of moving our portion of support to that one•third/one•third/one•third configuration, which would be the ideal.

Further to that, I did want to point out to my colleagues that if you look at the stand•alones, I do have a stand•alone which is providing for the three nursing staff. That is also part of the omnibus, and we had broken it out just to underscore what Legislator Lindsay has already mentioned, which is that that is a revenue neutral line, that those three positions are supported by the revenue that comes from the hospitals that are participating in the program.

Congratulations to the College for the hard work that you have done in presenting this budget, putting it together, and this partnership between the College and the Legislature and Suffolk County government is a very strong partnership, providing high quality education, which is the hallmark of Suffolk County, to provide high quality education to its residents. Thank you very much for your hard work.

D.P.O. CARPENTER:

Thank you. Legislator Foley.

LEG. FOLEY:

Thank you, Madam Chair. And for some of us, this will be our last Community College budget that we are going to be working on and crafting. And I think it's important for all Legislators who support this, particularly those who will be leaving at the end of this term, to not leave with a sense of unfinished business. And this particular series of amendments, and the one that we're going to vote on in a moment's time, I think reflects an ongoing interest and concern that many of us have had for the College over these many years. The one that I would highlight, and it was touched on earlier, is the fact that of the \$60,000 restoration for the Community

College mathematics, computer math and science scholarship program. It's something that we had initiated in the Legislature, and the College had immediately grasped the importance of it, working with Tom Breeden and others.

We're the only community college in the State of New York, and I would hasten to add, probably one of the few in the country that has a scholarship program for these three disciplines. And it's important in future years, and I wanted to say this on the record, because it was not included in the original proposed budget by the College, incredible enough •• incredibly enough. So, it's my hope and expectation that in future years they will include the scholarship program, because there's a nationwide trend, it's an alarming trend, where there's a decline in student enrollment in those three disciplines throughout the country. And when we speak about the competitiveness internationally, where in the country of China, over three million, three million engineering degrees a year, and a proportionate number in the country of India, and whereas in our own country, less than 100,000 undergraduate students enroll in engineering.

So, we need to do all that we can in our •• think global and act local. Well, this is the way we can turn that into a reality, by creating a scholarship program that will recruit, entice, and have students who want to enter those three fields be able to enter them, especially at the college •• community college level.

This past year, where we had a scholarship program, the look on those students faces, when they receive this full tuition scholarship, some of whom were the first in their families, generations of families who have come over here, the first in their family to go to college, and to see the look on their faces, that they could spend not all their time, but more of their time with their studies, so they wouldn't have •• necessarily have a second or a third job to pay their tuition bills. That's what public service is about, and that's how we can creatively use government, to help those students realize their drives, and in a larger context, develop a program that will help this country in this competition with those of other parts of the world.

So, I'm very happy that this was incorporated into this proposed budget. It is a bipartisan bill. And for those of us who are leaving, we're hoping that we don't have to come back here next year to ask that it be amended into the budget. Thank you.

(Applause)

D.P.O. CARPENTER:

Thank you. Legislator Nowick.

LEG. NOWICK:

Good morning, everybody. It is also my distinct pleasure, as Chairwoman •• is this on? As Chairwoman •• no?

LEG. BINDER:

No one wants you to be too loud. It's on.

LEG. NOWICK:

Okay. Just it is my •• also my distinct pleasure, as Chairwoman of Economic Development, Higher Education and Energy, to be a part of a process that approves a 4% increase in the County portion of the College Budget. Over the past few years, I know that Suffolk County Community College has become what I would call a shining light in community colleges.

(*Substitution of Stenographer • Alison Mahoney*)

LEG. NOWICK:

I'm proud to be a part of a County that supports the college. I'm proud to be a part of a County that encourages our young as well as our adults. Enables all of us •• all of our constituency to receive an affordable education and not only just an affordable education, but a wonderful education, one that we can be very proud of. We have a college that is accredited by _Middle States__. We continue to work with this college. The administration, the President, the administration, the faculty, the Board of Trustees, we all work together and I am proud to be a part of it and I wish you all well and I thank you all at the college for all your work as well and also the Legislators here, both bipartisan •• with this bipartisan support that this is receiving.

D.P.O. CARPENTER:

Thank you. There's just one thing I want to touch on quickly and that is the fact that the college, and I don't think we •• we need to •• we do need to remember this. The college Board of Trustees and the administration has done a very, very good job of managing its resources and they have employed many strategies over the past years to assure savings and cost

avoidance and there are many areas that they have done this.

They have done this with energy conservation and this year have saved over a half a million dollars between rebate savings and cost avoidance. In the area of continuing ed and business and finance by getting involved in the _digital_ environment. There have been tremendous savings, thousands and thousands of dollars. So that to think that we could ask them to try to find ways to spend less and not increase the County contribution would be disingenuous at best.

I appreciate the fact that the County Executive sent over a budget that tried to address some of the needs of the college and included some of the positions, but as the case was made in the committee, the 17 positions the college requested were not all of the positions they actually required. They were trying to be conservative. And we had the advantage of having more up •to•date information when we were deliberating the budget rather than when the County Executive did have it.

We did come through, the whole issue with the health insurance and know that there were going to be savings there. So, this is really not meant to say that the County Executive didn't do a good job, but the fact we had more information, we were better poised to address this, and we're hoping that when the County Executive does see this that he will be supportive also.

The other point that needs to be made is that this college has developed incredible partnerships and addressed issues of not only concern to Suffolk County and Long Island, but really national issues. Their nursing program, addressing the nursing shortage, really is going to be a model nationwide for how to address these kinds of issues. They have addressed the issue of trying to keep our workforce here and you heard that. 94% of the graduates stay here on Long Island, 64% of those who go on to an institute of higher education do so on Long Island so that we can have people of the caliber of Josh Horton who will come back and give public service and stay here, you know, in our wonderful County.

The other issue, downtown revitalization. In the Sayville Center, the Riverhead Center, these are all issues that this body has demonstrated a commitment to and the college in partnership is addressing. I could go on and on and I know no one wants me to so I will end here and really thank everyone who worked so hard on this budget. That, too, is a model of a partnership. Bipartisan working group, the Budget Review Office under Gail's leadership, and

everyone involved and the college, the Trustees, the administration, the faculty, the guild, the students. We had students come to the Legislature and this really is in response to them asking us to please see if we could shave back that tuition increase. So this is truly a model of partnership and I thank everyone who participated.

LEG. ALDEN:

Roll call.

D.P.O. CARPENTER:

I will entertain a motion on budget amendment number one.

LEG. CARACCILOLO:

Motion.

D.P.O. CARPENTER:

Motion by Legislator Caracciolo.

LEG. VILORIA • FISHER:

Second.

D.P.O. CARPENTER:

Second by Legislator Vilorina • Fisher.

LEG. TONNA:

Roll call.

D.P.O. CARPENTER:

Roll call.

(* Roll called by Mr. Barton • Clerk*)

LEG. CARACCILOLO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes and cosponsor.

LEG. LOSQUADRO:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

Applause

MR. BARTON:

18.

D.P.O. CARPENTER:

Thank you. Thank you, everyone.

LEG. COOPER:

Henry, cosponsor, please.

D.P.O. CARPENTER:

The budget amendment number two is conflicted out by the Omnibus.

That takes us to budget amendment number three. Motion by Legislator Caracciolo, second by myself.

LEG. CARACCILOLO:

On the motion.

LEG. TONNA:

No, no, come on.

D.P.O. CARPENTER:

On the motion, Legislator Caracciolo.

LEG. CARACCILOLO:

The \$100,000 that's incorporated in this resolution would enable the new culinary arts program on the eastern campus, which will be located on Main Street in Riverhead, the ability to properly equip that facility. There is no money currently in the budget to do so and I would appreciate my colleagues support in moving and approving this resolution today.

The offset comes from health insurance which I would like Gail to perhaps assure everyone there would be sufficient offsets in that account given the new EMHP agreement with the County that is expected to result in an annual savings of 12 to \$14 million across all budget lines. Gail, in the college, how much would that savings equal?

MS. VIZZINI:

Nowick cosponsored the last one.

MR. REINHEIMER:

There's two factors that play into the reduction of health insurance. The first one is that we anticipate, we meaning the consultant for the health insurance program, Price Waterhouse Coopers, of \$14 million during this year across all funds. The college represents about 8% of that. Next year changing providers to Blue Cross Blue Shield, a conservative estimate is there is about a \$10.7 million reduction in cost. That's due to a larger network. There will be more people that will be receiving in network services throughout this country which impacts a lot of the retirees. Again, the college represents about 8% of that.

So there should •• Price Waterhouse Coopers, when they were going through the RFP process they estimated about a \$15 million savings there. When I met with them they said a conservative approach because they didn't do a claims by claims analysis, they did it by

institution. They felt that 10.7 was a conservative estimate, meaning that probably the savings would be greater than 10.7. We used in our estimate for the college for next year the 10.7 so there should be, you know, a little excess in there.

LEG. CARACCILOLO:

Well, what would that dollar amount be for the college?

MR. REINHEIMER:

Well, the college is 8% of that amount for a 12 month calendar year.

LEG. CARACCILOLO:

About \$800,000 annually.

MR. REINHEIMER:

Right. There's a piece of the '05-'06 also, so, you know, we felt that, you know, 1.7 was conservative reduction in the health insurance projections and there probably is a little bit more savings than that.

LEG. CARACCILOLO:

Okay. Thank you.

LEG. TONNA:

All right.

D.P.O. CARPENTER:

Okay. We have a motion and a second.

LEG. MONTANO:

On the motion.

LEG. CARPENTER:

I'm sorry, Legislator Montano.

LEG. MONTANO:

Gail, can you hear me? I just want to be clear that I understand this because I served on the Omnibus Committee and we had reached the bipartisan support to increase the college budget by 4%, but I was not aware of this particular item.

Now, what I understand the explanation is that we allocated money in the budget, but we allocated more than we're going to need so we're going to take money out of the budget this year to fund this special project? Is that the way it is coming down? Did I explain that right?

MS. VIZZINI:

Well, if your remarks are specific to health insurance, yes, the anticipated savings information was not available to the County Executive's Office when they prepared the college's operating budget.

LEG. MONTANO:

But it was available to us in the Omnibus process.

MS. VIZZINI:

Yes, it was.

LEG. MONTANO:

Okay. I don't recall this item coming up in conversation or in a request from the college in the Omnibus. Is someone from the college, can they answer whether or not this was a specific request in the budget this year? Because if it was, it was lost on me.

MR. STEIN:

It's separate.

D.P.O. CARPENTER:

Perhaps I can answer that, Legislator Montano. It came to my attention, you know, I know Legislator Montano was part of the working group, but I think it came after the deadline and rather than try to go back and readdress the Omnibus, we thought it would stand, you know, it would be there as a stand alone and would have the necessary support because of the import of what it's going to do.

LEG. MONTANO:

No, I understand that, but what I guess I'm troubled with is the fact that we just passed the Omnibus and it has certain figures in there that we projected and it seems to me, and correct me if I'm wrong Gail, is that we're amending the budget, the Omnibus bill, that we just passed. Is that in essence what we're doing? Because we're changing the numbers of the projections on the bill we just passed. That's the way I understand it. Otherwise, where does this \$100,000 come in from?

MS. VIZZINI:

Well, the process is typically when we amend operating budgets is to have the bipartisan Omnibus. Then any other items are usually •• take the form of a stand alone. This was not something that was discussed in the Omnibus working group, therefore it was not something that we included in the Omnibus. This is another project related to the downtown Riverhead area, the downtown revitalization for the culinary program which the president spoke of briefly in her power point presentation.

As far as the cost, the \$100,000 for the equipment is offset by an accompanying amount of reducing the health •• the monies that are in the budget for health insurance.

LEG. MONTANO:

Right, that's my point. So in essence we are amending the budget, the Omnibus that we just passed because we projected in there certain health costs and now we're saying that we projected more than we're going to need so we're able to take out \$100,000 for some special project.

So in reality it seems to me that, and I hate to use the word, a little disingenuous to have passed an Omnibus with some figures that may be soft. And if, in fact, you know •• and these are projections. These are not hard core. It's quite possible, is it not, that we're not going to experience the savings that are projected simply because we won't know until the end of the year. And what happens if, in fact, we don't anticipate the savings and we have this item in there? What does that do for the County budget?

MS. VIZZINI:

We're trying to be conservative in our estimates as Lance stated. Therefore, this is a \$100,000 item. We think there would be sufficient monies in health insurance. If for any reason during the course of the year the college, just like the County, sees that its expenditure demands are more than particular appropriations that it has in those particular areas, they begin to reevaluate, maybe slow up hiring or slow up purchasing or any of the other avenues that are available to them.

LEG. MONTANO:

My point is, though, that if in fact we •• we could anticipate savings within the budget, I probably would have had it •• preferred to have it seen go towards a further reduction in a tuition than to add a program after the fact. Particularly when in my mind I don't think that this program was something that was requested •• requested by the college. And it certainly did not come up to me during the process that I was working on the budget. That's the point that I'm making there. So in addition to this \$100,000 that may be available, is there other money in the budget that may be available based on projections that, you know, that are put forward? I mean, is this it or is there more?

P.O. CARACAPPA:

Rick, if you wouldn't mind. This is very similar to what we do in every budget whether it be operating or capital. We do a bipartisan Omnibus and then usually •• I'll take the operating budget which is coming up next. There will be a slew of stand alone's for which other Legislators put in that weren't fully agreed upon by the working group. The budget number is always tabulated at the end of our budget deliberations and what we vote upon by way of the Omnibus and the stand alone's. In this instance there's one stand alone to the Omnibus that you guys worked on, so this is nothing new than what we do in every single budget.

D.P.O. CARPENTER:

Thank you. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Madam Chair. The Presiding Officer made one of several points I would like to make. I would like to also respond to the inquiry about whether or not this was requested by the college. The short answer is yes, it was requested by the college and it was requested of this Legislator because the culinary institute will be in my district. It's no different than, and

please help me recall recently when we allocated funds for Legislator Lindsay in downtown Sayville. What was that initiative, Gail, downtown Sayville, and where did the money come from for that?

MS. VIZZINI:

Are you talking about augmenting the downtown Sayville nursing program?

LEG. CARACCILOLO:

Yes. Where did the money come from that •• for that particular initiative. Was it in the college budget? It was not in the college budget.

MS. VIZZINI:

That was in the current year, yeah. We added an additional •• we augmented the program by \$100,000.

LEG. CARACCILOLO:

What was the amount of money?

MS. VIZZINI:

\$100,000.

LEG. CARACCILOLO:

Okay. This is the same thing, Legislator Montano.

LEG. MONTANO:

That gives an entitlement for an additional \$100,000? Is that the point you are making?

LEG. CARACCILOLO:

No. I think if you are going to be consistent in supporting initiatives for your fellow Democrats and the college, then be consistent and continue to support the college. That's all I am saying.

LEG. MONTANO:

I don't think that's the issue, to be quite honest with you.

D.P.O. CARPENTER:

Excuse me.

LEG. MONTANO:

Go ahead.

D.P.O. CARPENTER:

I believe Legislator Lindsay was next.

LEG. LINDSAY:

I'm just a little confused. So the increase to the college is 4% plus \$100,000 or the \$100,000 is within the 4%? So we're just micromanaging what the college is doing with their 4% increase.

MS. VIZZINI:

The 4% is a done deal in the Omnibus.

LEG. LINDSAY:

Right, but is the \$100,000 within the 4% increase?

MS. VIZZINI:

Well, the \$100,000 is going to be offset by a reduction someplace else in the budget.

LEG. LINDSAY:

In the college budget.

MS. VIZZINI:

Correct.

LEG. LINDSAY:

So it's within the 4%.

MS. VIZZINI:

It's within their budget, yes. The 4% pertains to the County contribution.

LEG. LINDSAY:

Right. But again, I'm asking are we increasing the 4% by another \$100,000?

MS. VIZZINI:

Oh, no. No.

LEG. LINDSAY:

That's all I want to know.

MS. VIZZINI:

Plus this is completely offset by a reduction in appropriations.

D.P.O. CARPENTER:

Okay. We have a motion and a second. Roll call.

(* Roll Called by Mr. Barton • Clerk*)

LEG. CARACCILOLO:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Abstain.

LEG. TONNA:

Pass.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Abstain.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Yes.

MR. BARTON:

12.

LEG. CARACCILO:

Thank you.

D.P.O. CARPENTER:

Thank very much. Again, thank you for all the work on the college budget.

Applause

We are going to address in the interest of time while we're on a roll here the veto overrides and one resolution. In deference to some of the elected officials that came here we are going to take out of order ***1647, a Charter Law to provide for fair and equitable distribution of public safety sales.***

LEG. CARACCILO:

Motion.

D.P.O. CARPENTER:

Motion by Legislator Caracciolo, second by Legislator Caracappa, to take out of order. 1647, it's on the agenda, it's tabled. It's on page eight. The resolution is now before us. We have a motion to approve by Legislator Caracciolo, second by Legislator Schneiderman. The resolution is before us.

LEG. FOLEY:

Page eight?

D.P.O. CARPENTER:

Page eight. We have •• go back to the motion to take out of order. We had a motion and a second. All in favor of taking out of order? Opposed?

MR. BARTON:

18.

D.P.O. CARPENTER:

The resolution is before us.

LEG. MYSTAL:

Madam Chair?

D.P.O. CARPENTER:

Okay. I have been requested to put this in abeyance. We need to do the veto overrides.

LEG. CARACCILO:

Okay.

D.P.O. CARPENTER:

So we do have it before us but in the interim we are going to go to the vetoes. Motion to override 1673. Motion by Legislator Tonna, second by Legislator Caracappa. All those in favor of overriding the veto?

LEG. VILORIA FISHER:

On the motion.

D.P.O. CARPENTER:

Roll call.

LEG. VILORIA • FISHER:

On the motion.

D.P.O. CARPENTER:

On the motion, Legislator Viloria•Fisher.

LEG. VILORIA•FISHER:

Thank you. I have a question about the offsets on this.

D.P.O. CARPENTER:

These vetoes are in everyone's packet. 1673, the first one.

LEG. VILORIA•FISHER:

Budget Review, I have a question about this. When I look at the offsets for these, I spoke with Legislator Nowick, I haven't had an opportunity to speak with the other sponsors. I saw that there was a clear offset from Smithtown Theatre of Performing Arts to the Yale project, well, it was close in any case. With regard to social security and the \$23,000 that was used from the social security fund as an offset, now I know that there were some projects where the monies were parked in various •• excuse me, Gail.

MS. VIZZINI:

I'm actually listening to you.

LEG. VILORIA•FISHER:

Okay. I wasn't sure. Where there was money parked in various funds to be used later on. Is this one of those cases, Gail?

MS. VIZZINI:

Although I would object to the terminology, when we did the 2005 operating budget there was no Legislator from legislative district 12 and the working group made a decision that we would reserve district initiative money for the Legislator, whoever was elected to district 12. This is part of that reserved money.

LEG. VILORIA•FISHER:

Okay, so indeed what •• even though you don't like the term it was kind of parked money that was put there so that the Legislator at some time could use the initiatives. Is that what you are saying basically?

LEG. TONNA:

It's available money.

MS. VIZZINI:

Yes.

LEG. VILORIA • FISHER:

Thank you, Gail.

D.P.O. CARPENTER:

Okay. We have a motion to override and a second.

LEG. MONTANO:

Which one is this?

MS. BURKHARDT:

673.

D.P.O. CARPENTER:

On 673.

MR. BARTON:

On the override of 673.

(* Roll Called by Mr. Barton • Clerk*)

LEG. TONNA:

Yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

18 on the override.

D.P.O. CARPENTER:

Thank you. We have before us Resolution 688 and motion to override.

LEG. TONNA:

Motion.

LEG. CARACCILOLO:

Second.

D.P.O. CARPENTER:

Motion by Legislator Tonna, second by Legislator Caracappa. On the override, Legislator Lindsay.

LEG. LINDSAY:

Just an explanation. It is the same situation as the last one?

D.P.O. CARPENTER:

Yeah, this appears to be the same situation.

MS. VIZZINI:

This transfers money from within the Family Service League contract agencies at the request of the agency.

LEG. LINDSAY:

It's all internal. They are changing from one program to another, it's all internal.

MS. VIZZINI:

Yes, it's internal to the same agency, a different program, at the request of the agency. They asked the sponsor to move money from one program to one of their more needier programs.

D.P.O. CARPENTER:

Thank you. Roll call.

MR. BARTON:

On the override.

(* Roll Called by Mr. Barton • Clerk*)

LEG. TONNA:

Yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

LEG. CARPENTER:

Yes.

MR. BARTON:

Legislator Montano, what was your vote?

LEG. MONTANO:

No.

MR. BARTON:

No. Thank you, sir. 17.

D.P.O. CARPENTER:

Okay. We have before us Resolution 691.

LEG. TONNA:

Motion.

D.P.O. CARPENTER:

Motion by Legislator Tonna to override.

LEG. CARACCILO:

Second.

D.P.O. CARPENTER:

Second by Legislator Caracciolo. 691, Third House.

LEG. TONNA:

Roll call.

D.P.O. CARPENTER:

Roll call.

(* Roll Called by Mr. Barton • Clerk*)

LEG. TONNA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Abstain.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

11.

D.P.O. CARPENTER:

Okay, thank you. That veto override was not successful. We are now back to 1647.

LEG. CARACCILO:

Motion.

D.P.O. CARPENTER:

Motion to approve by Legislator Caracciolo, second by Legislator Schneiderman.

LEG. MYSTAL:

On the motion.

D.P.O. CARPENTER:

On the motion, Legislator Mystal.

LEG. MYSTAL:

Is this the resolution that somehow redoes the formula, Mr. Caracciolo?

LEG. CARACCIOLO:

Yes.

LEG. FOLEY:

Motion to table.

D.P.O. CARPENTER:

That was it?

LEG. MYSTAL:

That was it.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

To the sponsor. This establishes a formula, it doesn't establish a baseline or anything like that, right, as we discussed?

LEG. CARACCIOLO:

That's correct. That was the one modification that we made to the resolution at yours and other Legislator requests.

D.P.O. CARPENTER:

Legislator Foley.

LEG. FOLEY:

Thank you, Madam Chair. We have Mr. Zwirn from the Executive's Office who wanted to speak on the bill.

LEG. ALDEN:

Is there a question?

LEG. FOLEY:

Well, we have always given the Executive Branch •• all right, you want me to ask a question? I'll pose it as a question.

D.P.O. CARPENTER:

It really doesn't matter, I mean ••

LEG. FOLEY:

All right, thank you. What concerns do you have, Mr. Zwirn, about the resolution?

MR. ZWIRN:

The County Executive has expressed his concerns at committee. This would have met a \$4 million diversion out of the Police District, out of the sales tax revenue that would go to the Police District. And the County Executive would like to have the flexibility to be able to use this money, especially this year where we may have additional •• an eighth of a percent to try to meet the rising costs in the Police Department and the Police District. This curtails the flexibility during the budgeting process of how this money can be spent and it will have an impact certainly on the Police District taxes in the upcoming budget.

D.P.O. CARPENTER:

Okay we have a list. Legislator O'Leary then Legislator Alden.

LEG. O'LEARY:

Yeah. I just wanted to affirm my support for this resolution. As Legislator Caracciolo had indicated, there was •• and Alden as well, there was some lengthy discussions in committee regarding a base line number as opposed to a formula. Those concerns have been satisfied in my mind and I think that this •• this is an initiative that addresses a fairness and equity situation concerning the dispersement of funds as it pertains to the sales tax as well as to the east end towns. Not only the east end towns, but all towns and villages throughout the County

of Suffolk.

[RETURN OF COURT STENOGRAPHER • LUCIA BRAATEN]

D.P.O. CARPENTER:

Thank you. Legislator Alden.

LEG. ALDEN:

Ben, just to address a couple of things that you said. Right now, we •• do we have a formula that's formal, or is it kind of informal?

MR. ZWIRN:

It's informal.

LEG. ALDEN:

It's an informal. But it's a commitment on our part to share some of the revenue that we take in with some of the villages and other towns, right, that aren't in the ••

MR. ZWIRN:

With police departments, village police departments or town police departments, right. We share it now. This would, I guess, give it a more •• a more structured and permanent arrangement. But I think the County Executive, not only this County Executive, but future County Executives, would like to have the flexibility, depending upon how revenues come in a particular year, to be able to distribute this to the police departments across the County.

LEG. ALDEN:

But, as I understand it, it's only •• if we decide to use, you know, one million or ten million, whatever, if we decide to use that for police purposes, then we're going to use •• this establishes a formula. We can use it in the five western towns for the police district, and then "X" amount of dollars, which would be •• you know, a small percentage of that would go to everybody else that has a police district, right?

MR. ZWIRN:

That's correct. And this year, I think Budget Review did the fiscal impact statement on this,

and I think The County Executive's Budget Office agreed, I think in the present year it would have been a 4 million dollar diversion of funds that went to the police district that would have gone in sales tax to the villages.

LEG. ALDEN:

Do you remember how much in total went to the police district?

MR. ZWIRN:

I think it was 65 million.

LEG. ALDEN:

Roughly?

MR. LIPP:

Sixty•four.

MR. ZWIRN:

Sixty•four.

LEG. ALDEN:

Okay. But, if that goes down, the percentage that goes to the other people goes down also, right, if we decide to use like next year 10 or 50 million, because as I remembered correctly, if I do remember correctly, it's gone up, it's gone down. So, it's never been the same amount, it's •• and there's not really a steady trend, is there?

MR. ZWIRN:

Well, it has gone up and down, I mean, there's no question. I think the last couple of years it's been •• it's been rather steady at about 3 million, a little over 3 million dollars that's been given to the east end towns, police departments and the villages.

LEG. ALDEN:

Okay, thanks.

D.P.O. CARPENTER:

Legislator Bishop.

LEG. BISHOP:

No.

D.P.O. CARPENTER:

No? Okay. Anyone else wishes to speak on this? We have a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Abstain.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. MYSTAL:

Pass.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Abstain.

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. TONNA:

(Not Present)

LEG. MYSTAL:

Abstain.

MR. BARTON:

Ten. (Not Present: Legislator Tonna)

D.P.O. CARPENTER:

We have a motion to approve the Consent Calendar. Motion by Legislator Caracappa, second by myself. All those in favor? Opposed? Consent Calendar is approved. Then we go back to the public portion.

MR. BARTON:

18.

D.P.O. CARPENTER:

Thank you. Lynn Ryan, if she is still here.

MR. BARTON:

Legislator Carpenter.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

While the speaker is coming up, we've distributed, at the request of the Legislators, the packet of CN's that has been •• that have been filed. You'll notice on four of them it says, "Additional backup is available." It's in the packet of resolutions that were handed out today. So, if you want to look at the backup on the grant applications, they're in the packet.

D.P.O. CARPENTER:

Thank you very much ••

MR. BARTON:

Thank you.

D.P.O. CARPENTER:

•• Mr. Clerk. Peter Imbert, I believe, has left. Mayor Rickenbach, did you want to •• I mean, it's kind of a moot point at this •• but, if you wish to address the body, you certainly are welcome to.

MAYOR RICKENBACH:

Thank you very much. This is a post mortem but I just would like to congratulate the Legislature for the vote that was taken here this morning. It's been a long time coming. I recognize the issues on both side of fence with respect to this distribution of sales tax monies, but again I just underscore for the Legislative bodies that there are villages that have police departments within the west end townships that are a part of the County police district. And again, all the police departments that are situated in the towns and villages on the east end.

So again, thank you very much. Again, it's just a more equitable distribution of that sales tax money. And recognizing respectfully, Mr. Alden, that, you know, it is fluid. I think we all recognize that, you know, the amount of monies that are generated every year will fluctuate. Thank you.

D.P.O. CARPENTER:

Thank you very much Mr. Mayor. Phil Cardinale. Michael White.

MR. WHITE:

Good afternoon. My name is Michael White. I live in Centerport, New York, the Long Island Chair of the Long Island Chapter of the New York League of Conservation Voters and I'm also a member of the statewide board. I'm here to speak on behalf of the environment today and to speak on behalf a renowned environmentalist, a very effective environmental advocate, and that's Adrienne Esposito.

Adrienne has the credentials and the qualifications and the experience to serve on the CEQ as she has done for years. Adrienne deserves to continue that effort. She truly wants to be an effective and continue to be an effective voice on CEQ. Adrienne was here earlier and to show her further commitment she's right now up at the Northport Power Plant arguing for something I'm sure we all support and that's to renovate that power plant, since it's the majority power producer for Long Island and one of the dirtiest power plants on the east coast and something really needs to be done about that and she's out there right now advocating for that.

We don't need to silence, we cannot silence this dedicated voice for the environment on the CEQ and I would move your attention to support her reappointment to the CEQ.

Now I understand also, some discussions I've had with Jon Cooper and with Legislator Schneiderman, there's also a potential for a bipartisan support to actually, I guess, amend the Charter, secure environmental representation on the CEQ. We would certainly support that legislation and see that that could move forward as swiftly as possible. Thank you very much.

D.P.O. CARPENTER:

Thank you. Allan Costell.

MR. COSTELL:

Good morning, Ladies and Gentlemen of the Legislature. My name is Allan Costell. I'm the President of the Boys and Girls Club of Suffolk County, Inc. And just so there's no misunderstanding, that is a local organization. Although the Boys and Girls Club is a national organization, we are a community based organization. We started out as the Three Village Community and Youth Services and we've grown to now serve our community and additional communities in our area.

I'm here in support of resolution 1640, which is the 37 acres of land which was spoken about earlier by Assemblyman Englebright. Just to give you a picture, that was a sand mine, and there's 37 acres which has now been mined down to a depth of approximately 40 feet. And what we propose to do is truly unique in that we wish, with your permission, to partner with you at no cost to the County, and no burden to the taxpayer, and we will come in and we plan to put perhaps three or four million dollars of public money donated to this nonprofit to improve that property and make it usable and accessible to the entire community of Suffolk County. And most especially the youth.

This property has no purpose and is an eyesore at present. We will partner with you with your permission to make that something which will be something that can be a model for other areas. It will be available to every person, regardless of their age, as long as they are a County resident. We do not plan on using it exclusively for Boys and Girls Club programs. As a matter of fact, we will probably use it a minority of the time. I ask for your support. There is no

downside to this.

We do not expect anything out of this other than the ability to make this area available to the youth, which it's as everyone knows in every district, the available recreational facilities are really, really at a premium. We ask your help in making this a reality.

D.P.O. CARPENTER:

Thank you very much. Last speaker Vito Minei. Vito? I just saw him walk out so I guess he assumed public portion was done. Okay. That's it with the speakers. Is there anyone else who's filled out a card? We have a motion to close the public portion by Legislator O'Leary, second by Legislator Caracciolo. Public portion is closed.

MR. BARTON:

18.

RESOLUTIONS TABLED TO AUGUST 9, 2005

D.P.O. CARPENTER:

We move to the Tabled Resolutions on Page 7, the first being ***1086 (A Charter Law to create the Real Estate Acquisition Anti•Corruption Reform Act)***. Legislator Binder.

LEG. BINDER:

Motion to table.

D.P.O. CARPENTER:

Motion to table, second by Legislator Caracappa. All those in favor? Opposed? Resolution is tabled.

1694 (Authorizing the commencement of Eminent Domain Proceedings for Mediavilla property, Town of Huntington).

LEG. BINDER:

Motion to table.

D.P.O. CARPENTER:

Motion to table. Same motion, same second, same vote.

2102 (A Local Law to promote the health of Suffolk County residents by restricting the use of toxic lawn chemicals by unlicensed applicators in Suffolk County). Motion to table by Legislator Caracappa.

LEG. O'LEARY:

Second.

LEG. SCHNEIDERMAN:

Opposed.

D.P.O. CARPENTER:

Second by Legislator O'Leary. One opposition. The resolution is tabled.

D.P.O. CARPENTER:

2303, Amending the ••

LEG. SCHNEIDERMAN:

Opposed to tabling.

MR. BARTON:

17.

D.P.O. CARPENTER:

•• Operating Budget for Fund 477 (to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program, and appropriating fund in connection with storm remediation improvements for CR 50 Union Boulevard at Champlins Creek (CP 8240).

LEG. ALDEN:

Motion to approve.

D.P.O. CARPENTER:

Motion to approve, Legislator Alden, second by myself. All those in favor? Opposed?
Resolution is approved.

MR. BARTON:

18.

D.P.O. CARPENTER:

1081 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (North Fork Preserve property • Farmland Component) Town of Brookhaven). Authorizing planning steps under the Multifaceted Program.
Legislator Caracciolo, what's your pleasure?

LEG. CARACCIOLO:

Motion to table.

D.P.O. CARPENTER:

Motion to table, second by Legislator Nowick. All those in favor? Resolution is tabled.

MR. BARTON:

18.

P.O. CARACAPPA:

1110 (Amending the 2005 Operating Budget and the Salary and Classification Plan to establish a Compliance Officer to insure accountability). Amending the Operating Budget.

LEG. CARACCIOLO:

Motion to table.

D.P.O. CARPENTER:

Motion to table. Same motion, same second, same vote. ***1129 • Amending the 2005 Operating Budget (to streamline and consolidate County government by eliminating the proposed separate Department of Environment and Energy).*** Motion to table ••

MR. BARTON:

18.

P.O. CARACAPPA:

•• by Legislator Caracappa, second by myself. Resolution is tabled. 1190.

MR. BARTON:

18.

(1190 • Approving the reappointment of Daniel McGowan as a member of the Suffolk County Board of Health).

LEG. FOLEY:

Motion to table ••

D.P.O. CARPENTER:

A motion to table on 1190.

LEG. FOLEY:

•• subject to call.

D.P.O. CARPENTER:

Table subject to call.

LEG. FOLEY:

Just for the record, it will be withdrawn, since a separate resolution had appointed a different person ••

D.P.O. CARPENTER:

All right. Thank you.

LEG. FOLEY:

•• over my objections.

D.P.O. CARPENTER:

Thank you, Legislator Foley. We have a motion and second to table subject to call. All in favor? Opposed? It is tabled subject to call. 1294.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

1294 (Amending the 2005 Capital Budget and program and appropriating funds in connection with improvements to active parkland/recreation areas and Hamlet Parks). Legislator Bishop, amending the Capital Budget. There is no bond, so we will have to table. A motion by Legislator Bishop, second by myself.

LEG. BISHOP:

Counsel, is there anything I need to do between now and the next meeting. It's just something you can handle?

MS. KNAPP:

I'll work with Budget Review and make the required amendment. It will be already for the next meeting.

LEG. BISHOP:

Excellent. Thank you.

D.P.O. CARPENTER:

Thanks. We have a motion and a second to table. Resolution is tabled. ***1300 • A Local Law to strengthen the enforcement of penalties (for substandard rental housing).***

MR. BARTON:

17, 1 not present (1294). (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Legislator Caracappa.

P.O. CARACAPPA:

Table.

D.P.O. CARPENTER:

Motion to table, second by Legislator Montano. All in favor? Opposed? Resolution is tabled.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

1324 • Establishing a County policy for use of foot patrols (and bicycle patrols).

LEG. BINDER:

Motion.

D.P.O. CARPENTER:

Motion by Legislator Binder, second by ••

LEG. BISHOP:

Motion to table.

LEG. COOPER:

Second the motion to table.

D.P.O. CARPENTER:

Second by Legislator Caracciolo. In the interim, there's been a motion to table by Legislator Bishop.

LEG. VILORIA • FISHER:

Second.

D.P.O. CARPENTER:

Is there a second? Second by Legislator Cooper. On the tabling motion, all those in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

Opposed. Roll call on the tabling.

MR. BARTON:

On the motion to table.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

Yes to tabling.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCILOLO:

No.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No.

MR. BARTON:

Mr. Lindsay, what was your vote?

LEG. LINDSAY:

It was yes to table.

MR. BARTON:

Yes, thank you. Six. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Tabling motion fails. We go back to the motion and second to approve. All those in favor?
Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

D.P.O. CARPENTER:

You have the oppositions, Henry?

LEG. BISHOP:

Abstain.

LEG. COOPER:

Henry, make my vote abstain.

LEG. MYSTAL:

Abstain.

LEG. ALDEN:

It's pretty easy.

MR. BARTON:

Three and three.

LEG. ALDEN:

It wasn't a bipartisan ••

D.P.O. CARPENTER:

Do you want a roll call, Henry?

MR. BARTON:

No, it's not necessary.

D.P.O. CARPENTER:

No? You have it.

MR. BARTON:

I got it.

D.P.O. CARPENTER:

Okay, thank you. That motion is approved. ***1332 (Authorizing the acquisition of farmland development rights under the Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund for Dosiak Farms, Town of Brookhaven).***

LEG. CARACCIOLO:

Motion to approve.

D.P.O. CARPENTER:

Motion to approve by Legislator Caracciolo, second by Legislator Schneiderman. All those in favor? Opposed?

LEG. MYSTAL:

Opposed.

LEG. BISHOP:

Abstain.

LEG. FOLEY:

Opposed.

D.P.O. CARPENTER:

We have Legislator Mystal and Foley opposed.

LEG. CARACCIOLO:

No partisanship here.

LEG. SCHNEIDERMAN:

No, of course not.

D.P.O. CARPENTER:

And Bishop has abstained. Motion is approved.

MR. MONTANO:

Opposed.

D.P.O. CARPENTER:

And an opposition by Legislator Montano.

LEG. LINDSAY:

What was the vote?

MR. BARTON:

Fourteen. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

The vote was thirteen?

MR. BARTON:

Fourteen.

D.P.O. CARPENTER:

Fourteen.

LEG. LINDSAY:

That wasn't partisan. Fourteen ••

D.P.O. CARPENTER:

I know, that's a wonderful thing. ***1345 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks***

Fund (Long Island Beagle Club property) Town of Riverhead). Authorizing planning steps for the acquisition of the Beagle Club Property.

LEG. CARACCILOLO:

I'm going to make a motion to change •• table. We have to change the ••

P.O. CARACAPPA:

Second.

LEG. CARACCILOLO:

•• preservation effort from Farmland to Open Space.

LEG. O'LEARY:

Second on the motion to table.

D.P.O. CARPENTER:

Thank you. We have a motion and second to table, second by Legislator •• seconding is by the Presiding Officer. All those in favor? Opposed? Resolution is tabled.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

1449 (Directing the County Attorney to bring a lawsuit against the Long Island Convention and Visitors Bureau, Inc. (LICVB) to recover County funds).

LEG. O'LEARY:

Motion to table.

D.P.O. CARPENTER:

We have a motion to table ••

LEG. CARACCILOLO:

Oh, yes.

D.P.O. CARPENTER:

•• by Legislator O'Leary, second by Legislator Caracciolo. All those in favor? Opposed?
Resolution is tabled.

LEG. CARACCILOLO:

On the motion. Just ••

D.P.O. CARPENTER:

On the motion.

LEG. CARACCCIOLO:

Oh, I'm sorry.

MR. BARTON:

17. (Not Present: Leg. Tonna)

LEG. CARACCILOLO:

Madam Chair, if you would, I'd like to report to the Legislature that as of yesterday, we have reached an agreement in principle with the LICVB. A settlement agreement is being drafted by their counsel, subject to review and approval by both the Nassau and Suffolk County County Attorney's Office •• Offices. If everything that we stipulated in principle materializes, there will be retribution. I won't mention the amount today. It will be part of a settlement agreement that will have to come before the Legislature for approval.

D.P.O. CARPENTER:

All right. Thank you very much on that, Legislator Caracciolo. That resolution is tabled.

(1450 • \$35,000: Establishing an Affordable County•Wide Fee Waiver Program for the testing of private wells by the Suffolk County Department of Health Services).

Takes us to 1415, Establishing a County•wide waiver program.

LEG. VILORIA•FISHER:

That's 1450, Angie, 5•0.

D.P.O. CARPENTER:

1450. Yeah. No, I said 1449 was tabled.

LEG. CARACCILO:

A motion to approve, Madam Chair.

D.P.O. CARPENTER:

We're now up to 1450.

LEG. CARACCCIOLO:

Motion to approve.

D.P.O. CARPENTER:

Motion to approve 1450.

LEG. ALDEN:

Second.

LEG. O'LEARY:

Second.

D.P.O. CARPENTER:

Second by Legislator Alden. All those in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS VILORIA • FISHER, FOLEY, LINDSAY, MONTANO, BISHOP, MYSTAL AND COOPER]

D.P.O. CARPENTER:

The oppositions, if you would, raise your hand. Henry, do you have them?

MR. BARTON:

Yes, 12. ***(Vote Amended: 10 yes, 7 nos, one not present • Leg. Tonna)***

D.P.O. CARPENTER:

Okay. The resolution is approved. ***1569 • Establishing County policy regarding use and occupancy of County owned properties under litigation.***

LEG. O'LEARY:

Motion.

LEG. FOLEY:

Motion to table.

D.P.O. CARPENTER:

Motion to table by Legislator Foley, second by Legislator Lindsay. All those in favor of the tabling? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

D.P.O. CARPENTER:

Opposed by Legislator ••

LEG. CARACCILOLO:

Yes. I'm sorry, I want to approve this. I'm sorry.

D.P.O. CARPENTER:

You want to approve it?

LEG. CARACCILOLO:

Yes.

D.P.O. CARPENTER:

All right. So, let's roll call on the tabling then.

MR. BARTON:

Okay. On the motion to table.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present).

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. ALDEN:

Nope.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

No.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCILO:

No.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No.

D.P.O. CARPENTER:

The resolution to table fails.

MR. BARTON:

Seven.

D.P.O. CARPENTER:

We have a motion by Legislator Caracciolo to approve, second by Legislator O'Leary. On the motion? All in favor? Opposed?

LEG. FOLEY:

Roll call.

D.P.O. CARPENTER:

Roll call.

MR. BARTON:

Okay. On the motion to approve.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. COOPER:

No.

MR. BARTON:

Ten.

D.P.O. CARPENTER:

Motion is approved. ***1602 • Appropriating funds in connection with the reconstruction of culverts (CP 5371).*** Is this bond in order? I don't •• I'm not quite sure why this was

tabled at the last meeting.

MR. BARTON:

We have a bond for it now, so ••

D.P.O. CARPENTER:

You have a bond for it now, okay. Is there a motion, 1602? Motion by Legislator Lindsay.

LEG. FOLEY:

Second.

D.P.O. CARPENTER:

Second by Legislator Foley. On the motion, Legislator Alden.

LEG. ALDEN:

Wasn't this one of the ones that we wanted to see pay•as•you•go? I think that that's why it was tabled the last time. How much was this for?

LEG. LOSQUADRO:

Twenty•five thousand.

LEG. ALDEN:

How much.

LEG. LOSQUADRO:

Twenty•five thousand.

LEG. ALDEN:

I thought that we had asked to have the funding changed.

LEG. O'LEARY:

Yeah, we're not bonding 25,000.

D.P.O. CARPENTER:

Yeah. Budget Review, do you want to respond to that?

LEG. LOSQUADRO:

It's 72,000.

D.P.O. CARPENTER:

It's 72,000.

LEG. LOSQUADRO:

No, this one's 25, the next one is 72.

LEG. O'LEARY:

But then it's pay•as•you•go.

LEG. LOSQUADRO:

Oh, it's pay as you go?

LEG. O'LEARY:

Yeah.

D.P.O. CARPENTER:

We're on 1602.

LEG. LOSQUADRO:

No, this one is a bond, the 25,000.

MS. VIZZINI:

Well, it is a County Executive resolution. Currently, it provides for \$25,000 in serial bonds.

LEG. O'LEARY:

Motion to table.

LEG. ALDEN:

Second.

D.P.O. CARPENTER:

Motion to table by Legislator O'Leary, second by Legislator Alden. All those in favor of tabling? Opposed? Resolution is tabled.

MR. BARTON:

17.

D.P.O. CARPENTER:

1605 (Amending the Adopted 2005 Capital Budget and Program and appropriating the 2005 Pay As You Go funds in connection with the Public Works buildings operation and maintenance equipment (CP 1806). Amending the Capital Program, implementing pay •as•you•go in connection with Public Works buildings, operation and maintenance equipment. Is there a motion?

LEG. O'LEARY:

Motion.

D.P.O. CARPENTER:

Motion by Legislator O'Leary, second by Legislator Lindsay. All those in favor? Opposed?

LEG. O'LEARY:

It's pay•as•you•go.

D.P.O. CARPENTER:

Pay•as•you•go, it was changed.

LEG. ALDEN:

You know, I think they changed this one to pay•as•you•go.

D.P.O. CARPENTER:

It was changed. Okay. All those in favor? Opposed? Resolution is approved.

MR. BARTON:

17.

D.P.O. CARPENTER:

1636 • Making a SEQRA determination in connection with the proposed Long Island Maritime Marine (Railways restoration, Town of Islip). Does anyone remember why this was tabled?

LEG. FOLEY:

There's a motion to approve.

LEG. ALDEN:

It might have been, because the railroad runs where? But it's not really near here and this is down by the water. It probably got thrown into the water.

D.P.O. CARPENTER:

All right. It's a SEQRA determination. Why don't we have a motion •• we have a motion by Legislator Caracappa, second by ••

LEG. FOLEY:

I'm the motion to approve.

D.P.O. CARPENTER:

Oh, I'm sorry. Legislator Foley and Legislator Caracappa. All those in favor? Opposed? Resolution is approved.

MR. BARTON:

17.

D.P.O. CARPENTER:

1644 • Amending Resolution (No. 389•2003) to allow certain fees and fines to be deposited in the Police District Fund). I'll make that motion.

LEG. FOLEY:

Explanation, please.

D.P.O. CARPENTER:

Certainly.

LEG. MYSTAL:

What is this about?

D.P.O. CARPENTER:

This is about the fact that a number of years ago we instituted a policy where the Highway Department can assess fees for accompanying transport on our highways. This was something that we were doing routinely, private enterprise was charging for it, and we were not getting the revenues for it. So, we approved the resolution. Now, what this is doing is just asking that those resolutions stay within their line item in the budget.

LEG. FOLEY:

Just further to the point, not being a member of Public Safety, these monies presently are going to the General Fund; is that not correct?

D.P.O. CARPENTER:

Correct.

LEG. FOLEY:

All right. And ••

D.P.O. CARPENTER:

It was very interesting, because ••

LEG. FOLEY:

How much money are we speaking about?

D.P.O. CARPENTER:

Budget Review, if you have a definite number.

LEG. FOLEY:

The financial impact.

D.P.O. CARPENTER:

But I'm going to say it's like less than 100,000 over the course of a year.

LEG. FOLEY:

Are those monies then transferred to the Police District or not?

D.P.O. CARPENTER:

No, they stay in the General ••

MR. REINHEIMER:

This resolution is putting the monies into the Police District, rather than the General Fund. Same amount of money, it's just going into the Police District.

LEG. ALDEN:

And that amount is?

MR. REINHEIMER:

We don't have a number right off the top of our heads.

D.P.O. CARPENTER:

It depends on the amount of transports, but, generally, I do believe it's ••

MR. REINHEIMER:

It's nominal, it's not a great deal of money.

D.P.O. CARPENTER:

•• way under 100,000, yeah.

MR. REINHEIMER:

I believe you're correct.

D.P.O. CARPENTER:

Okay.

LEG. BISHOP:

So ••

D.P.O. CARPENTER:

Yes, someone has a question? Legislator Bishop?

LEG. BISHOP:

No.

P.O. CARACAPPA:

It's a dedicated fund.

D.P.O. CARPENTER:

Yeah. It just allows it to stay within the Police District. It's not •• it's not a big deal.

LEG. BISHOP:

I know.

LEG. MYSTAL:

So, why are you doing it?

LEG. BISHOP:

Why are you doing it?

D.P.O. CARPENTER:

Because they're collecting the revenues. They, you know, want to keep it within their line item. Yeah, don't over•analyze.

MR. MONTANO:

Just a question.

D.P.O. CARPENTER:

Legislator Montano.

MR. MONTANO:

Just clarification. Don't fees go into the General Fund generally?

D.P.O. CARPENTER:

Generally, but these are generated solely by the Police District. And it was •• it's interesting, because there are some instances when someone is moving like an oversized trailer, or a house, or a generator, a large piece of industrial equipment, the New York State Department of Transportation, there's a form and they will check off "Requires Police Escort." So, the private company would come to the department and say, "We need a police escort," and we were providing it free of charge for years. And there were times that when the shift was over, the police would say, "We're leaving," because there's •• we're not authorizing overtime, and the private company would be willing to pay anything, because they wanted to get it moved. It was costing them another day's work if the equipment wasn't being moved.

So, we set up this process, as I said, a couple of years ago, to allow them to set up the mechanism, to charge appropriate fees, and there's a list there, they're not egregious in any way, shape or form. But now we're just completing the circle and allowing the fees to stay in the police district.

MR. MONTANO:

My question is does this set a precedent?

LEG. BISHOP:

It doesn't matter.

MR. MONTANO:

Excuse me?

LEG. BISHOP:

It doesn't matter.

MR. MONTANO:

All right.

D.P.O. CARPENTER:

Okay. We have a motion and a second. All those in favor? Opposed? Resolution is approved.

Thank you.

MR. BARTON:

17.

D.P.O. CARPENTER:

Okay. We go to **1645 • Authorize a request for proposal to re-establish the Bay Shore Health Center.**

LEG. ALDEN:

Motion to table.

D.P.O. CARPENTER:

Motion to table.

LEG. MONTANO:

Second.

D.P.O. CARPENTER:

Second by Legislator Montano. On the resolution. I don't know, and I didn't have an opportunity to call you yesterday, Legislator Alden, but are you aware of the fact that the Space Committee approved a site for the Bay Shore Health Center?

LEG. ALDEN:

Well, that would be very good, but it's kind of a little bit weird, because years ago we worked on the Bay Shore Roller Rink and the size of the building didn't fit. So, I understand that they scaled it a little bit differently. If it fits, that's a wonderful thing, because maybe we can get going on doing the Bay Shore Health Center. So, I'll hold off on, you know, two weeks I think is reasonable and let's see what happens, but we want to get that Bay Shore Health Center going.

D.P.O. CARPENTER:

Great. And I think it would be important for whomever is involved to contact the Legislator that represents the district, especially since this has been an issue that Legislator Alden has been involved in for quite awhile.

LEG. BISHOP:

I thought it was Montano.

D.P.O. CARPENTER:

So, we have •• no, this is Bay Shore Health Center.

LEG. ALDEN:

It affects ••

MR. MONTANO:

It affects both.

LEG. ALDEN:

It facts both, too, so we've been very ••

D.P.O. CARPENTER:

Working together, yes. Okay. So, we have a motion and a second to table 1649. All those in favor? Opposed? Resolution is tabled.

MR. BARTON:

17.

P.O. CARACAPPA:

We did 47 earlier. That was 1649. ***1658 • Appropriating funds in connection with Planning for dormitory housing.***

LEG. O'LEARY:

Madam Chair, just a correction. We just addressed 1645 on the Bay Shore Health Center. 1649 should ••

D.P.O. CARPENTER:

I apologize. Okay. I must keep my glasses on. We are on ***1649 (A Local Law to require that all tourism promotion agency contracts receive prior approval of the Legislature).***

LEG. ALDEN:

Motion to approve.

D.P.O. CARPENTER:

We did 47. We did 45, we did 47. We are now at 49, Adopting a Local Law to require that all tourism promotion agency contracts receive prior approval. Legislator Alden.

LEG. ALDEN:

Motion to approve.

D.P.O. CARPENTER:

A motion to approve.

LEG. VILORIA • FISHER:

Explanation.

D.P.O. CARPENTER:

Who seconded that motion? I didn't hear.

LEG. O'LEARY:

I second that motion. I second the motion.

D.P.O. CARPENTER:

Second by Legislator O'Leary. On the motion. Explanation, please.

LEG. ALDEN:

Right now, we're not consulted, so that's something that's negotiated between any type of tourism promotion agency, whether it be LICVB, or if they decided to go to somebody else, but that's strictly •• a negotiation would take place between the County Executive and somebody that would promote tourism on •• in Suffolk County.

This would require that before we actually formalize a contract, it would have to be in writing, it would have to come before the Legislature, we would see the terms and conditions in the contract, and the Legislature would be involved in that process and have to approve it.

Oh, by the way, it also does not apply to this contract, because it's •• this one's already done, so it would apply to a future contract.

LEG. O'LEARY:

On the motion.

D.P.O. CARPENTER:

Okay, thank you.

LEG. O'LEARY:

On the motion.

D.P.O. CARPENTER:

Question, Legislator O'Leary.

LEG. O'LEARY:

The status of the public hearing, has it been closed?

MR. BARTON:

Yes. Yes, it has.

LEG. O'LEARY:

Okay.

D.P.O. CARPENTER:

It was closed. Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

If the •• I'm just trying to clarify for my own edification.

LEG. MYSTAL:

Put your mike on.

LEG. VILORIA • FISHER:

If the LICVB ••

LEG. FOLEY:

You have to put the mike on.

LEG. VILORIA • FISHER:

Sorry. If the LICVB, for example, is working on ads in various publications, would it need to come back to us for approval? Is that •• is that considered a tourism project, then?

LEG. ALDEN:

Actually ••

LEG. VILORIA • FISHER:

I don't know how specific we are in this.

LEG. ALDEN:

Actually, I think they should, and they should be giving us a continual update, because we passed a law that requires them to come in before certain committees here to give us updates before they go out and do those type of things. This is more in reference to an overall contract between the County and some type of an agency or some type of a department, or whatever it is that would promote tourism in Suffolk County.

LEG. VILORIA • FISHER:

Thank you.

D.P.O. CARPENTER:

Okay. Legislator Lindsay.

LEG. LINDSAY:

In light of the history of this agency, I don't object to this, but would this be opening the door where we're going to have to micromanage every contract that goes out to an agency that we hire? You know, what I mean? I mean, we've been bogged down with contract approvals. Have you •• has the sponsor thought about that?

LEG. ALDEN:

I'm not so sure it bogs us down, but it puts us in the mix. And, actually, this is something like how do you want to promote Suffolk County, how do you want to promote the tourism, and I think that's something that we establish the policy. So, I think that these type of contracts are well founded, and, really, the footing has already been laid that we should be approving these type of things.

LEG. LINDSAY:

So, you don't envision this policy being expanded to other ••

LEG. ALDEN:

You mean like a Public Works contract ••

LEG. LINDSAY:

Yeah.

LEG. ALDEN:

Or something like that? No, I don't •• I don't see •• not from me, but ••

LEG. LINDSAY:

I mean, we have contracts with, what, probably a thousand different agencies, or at least hundreds of different agencies. That's the only thing that I'm looking at.

LEG. ALDEN:

No. This is more a contract that involves public policy.

LEG. LINDSAY:

All right.

D.P.O. CARPENTER:

Okay. We have a motion and a second. All those in favor? Opposed?

MR. MONTANO:

Opposed.

LEG. MYSTAL:

Opposed.

D.P.O. CARPENTER:

Opposed, Legislator Montano.

LEG. BISHOP:

I'm opposed.

D.P.O. CARPENTER:

And Legislator Bishop, and Mystal.

LEG. VILORIA • FISHER:

I'm opposed to it, too. I think it's micromanaging.

D.P.O. CARPENTER:

We have four.

MR. BARTON:

Thirteen.

D.P.O. CARPENTER:

Thirteen, thank you. Resolution is approved. ***1658 (Appropriating funds in connection with planning for dormitory housing for Suffolk County Community College (CP 2112).*** This is an accompanying bond, appropriating funds in connection with the planning for dormitory housing. This money was in the budget. The Community College is very supportive of this and has been working with other institutions to look at this a little globally for the Island. Legis •• excuse me. Ben.

MR. ZWIRN:

I almost got a promotion.

D.P.O. CARPENTER:

I'm glad you see it that way.

MR. ZWIRN:

Yes, thank you, Legislator Carpenter. I just want to put on the record, as we did at committee, is that the County Executive is not in favor of this, because he thinks it changes the nature of the Community College. He said right now we're trying to keep it cost effective, something that's affordable for the students who live in Suffolk County. It is a •• it is a commuter school, and he would like to see it remain that way, so it's a difference of philosophy on this one.

D.P.O. CARPENTER:

Thank you. I appreciate that. However, as the sponsor of the resolution, this was part of our budget, and the reason this resolution is here is that the County Executive chose not to implement the policy that we set. It is a study. It's not necessarily saying that we're changing the complexion of the Community College, but there are community colleges that do have dorms. It's a way of keeping our students here on Long Island, and I would again ask for support, and remind everyone this is a study, yes. I have a motion, second by Legislator Montano.

LEG. VILORIA•FISHER:

On the motion.

D.P.O. CARPENTER:

On the motion, Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

I believe we should also look at the issue of transportation in our •• in our County. It is very difficult to find public transportation, and students, even at Stony Brook University, where we have kids who come out of state, have a very difficult time with public transportation, you know, if they live off campus, so I support this.

D.P.O. CARPENTER:

And I thank you for that, and that's a very valid point. I know the College was very excited about this, because it was going beyond just the title of it, as far as the dorms, because they were also looking at housing for students and faculty as a way of recruiting the appropriate staff. So, we have a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Abstain.

LEG. BISHOP:

This is a study on dormitories? Just a study, yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. LINDSAY:

No.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yeah.

MR. BARTON:

15.

D.P.O. CARPENTER:

Thank you. Same motion, same second on the bond. Next, we go to •• all those in favor? Opposed? Okay. ***1683 (Amending the 2005 Capital Budget and Program and appropriating funds accepted by the Legislature from the ISTEA Transportation Enhancement Program for restoration of Black Duck Lodge at Hubbard County Park, Flanders, Southampton, New York).*** Amending the Capital Budget and Program, appropriating funds with the ISTEA, Transportation Enhancement Program.

LEG. FOLEY:

Motion.

LEG. VILORIA • FISHER:

Second.

D.P.O. CARPENTER:

Motion by Legislator Foley, second by Legislator Viloría•Fisher.

LEG. LINDSAY:

Why didn't we table this?

D.P.O. CARPENTER:

It beats me. It may have had to do •• you know what, it may have had something to do with the timing of the meetings, and leave that to be said, figure it out. Okay. We have a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. VILORIA•FISHER:

Yes.

LEG. COOPER:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yeah.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

No.

D.P.O. CARPENTER:

Same motion ••

MR. BARTON:

16.

D.P.O. CARPENTER:

•• same second on the bond. ***1685 • Appropriating funds in connection with the purchase of equipment for groundwater monitoring (and well drilling (CP 8226)).***

LEG. VILORIA • FISHER:

How much is it?

D.P.O. CARPENTER:

How much is this, Budget Review? And was this something that we thought should be pay•as
•you•go?

MS. VIZZINI:

What number are you on?

D.P.O. CARPENTER:

1685.

LEG. FOLEY:

Motion to approve.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

A hundred and seventy.

D.P.O. CARPENTER:

The amount is 170,000, I'm told.

MS. VIZZINI:

It's 170,000 serial bonds.

D.P.O. CARPENTER:

We have a motion and a second.

LEG. LINDSAY:

Why did we table this one?

MS. VIZZINI:

We tabled it, probably because it's equipment and has five-year useful life.

LEG. ALDEN:

It should be cash.

D.P.O. CARPENTER:

Something that they felt should be pay-as-you-go.

LEG. ALDEN:

Give a little discount.

LEG. FOLEY:

Just on the •• through the Chair.

D.P.O. CARPENTER:

Sure, Legislator Foley.

LEG. FOLEY:

These are vehicles, and if you see the second "whereas" clause, the two replacement vehicles, one is a 1987 vehicle, another one is '96, so both are well beyond the five years that's part of the threshold for the 5•25•5 budget line. So, certainly, this is something in keeping with using capital dollars, dollars for major equipment that's going to be utilized well beyond five years, in one case 18 years, so.

D.P.O. CARPENTER:

Legislator Alden.

LEG. ALDEN:

Actually, I think this goes maybe to the heart of what we should be doing here. And, you know, in our personal lives, you shouldn't be buying things that you have to pay for over 20 or 30 years and strapping yourself and your family with all kinds of payments. So, I think that here is an appropriate example of something where we could pay cash for it, if we can afford it, and that's what we have to determine, whether we as Suffolk County government could take the taxpayers' dollars and pay cash for this, or do we want to charge, charge this and pay a whole bunch more over the course of a few years. So, that's pretty much what the philosophical argument should be. If you can afford things, you pay cash for it, if you can't, do you want to charge it and strap future generations in Suffolk County, because that's really what the choice is here, cash or strap future generations, pay more for things, because we can get a discount probably for cash, if you wanted to go out and shop this a little bit.

D.P.O. CARPENTER:

Okay. We have a motion and a second. Roll call on the vote.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Pass.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

I make a motion to table.

LEG. CARACCILOLO:

Second.

D.P.O. CARPENTER:

We have a motion and a second to table. All those in favor? Opposed? Resolution is tabled.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

1686 (Amending the Adopted 2005 Capital Budget and Program and appropriating the Pay As You Go funds in connection with the purchase of equipment for the Environmental Health Laboratory (CP 4079), amending the adopted budget and appropriating pay•as•you•go for the purchase of equipment for the Environmental Health Laboratory.

LEG. CARACCILOLO:

Motion.

LEG. O'LEARY:

Second.

D.P.O. CARPENTER:

We have a motion and a second. All those in favor? This is a 14•vote resolution, because it changes the funding mechanism. On the motion? All those in favor? Opposed?

LEG. BISHOP:

What's the ••

MR. BARTON:

17. (Not Present: Leg. Tonna)

LEG. BISHOP:

I'm sorry.

D.P.O. CARPENTER:

Excuse me. On the motion, Legislator Bishop.

LEG. BISHOP:

It's 14 votes even though it's changed to cash?

D.P.O. CARPENTER:

Because we changed the method of financing.

LEG. BISHOP:

Oh, even if you're •• okay. Usually, those additional votes are required if you're going to borrow.

D.P.O. CARPENTER:

Right.

LEG. BISHOP:

But I see, even if you're going to pay cash, the trigger is the change. I understand. Thank you.

D.P.O. CARPENTER:

Okay. So, we have a motion and a second. All those in favor? Opposed? Resolution is approved.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

1709 • To establish a web page to inform Suffolk residents about parental controls of television programming viewing.

LEG. ALDEN:

Motion to approve.

LEG. CARACCILO:

Second.

D.P.O. CARPENTER:

A motion to approve by Legislator Alden, second by Legislator Caracciolo. All those in favor? Opposed?

LEG. VILORIA • FISHER:

I'm sorry, I have a question.

D.P.O. CARPENTER:

Question, Legislator Vilorina • Fisher.

LEG. VILORIA • FISHER:

What is the cost of setting up a web page like this, Budget Review? I'm sorry. I just don't have it in front of me.

D.P.O. CARPENTER:

All right. We're on •• we are on 1709.

MR. REINHEIMER:

This is ••

D.P.O. CARPENTER:

Thank you, Lance.

MR. REINHEIMER:

It's an opportunity cost, and there's no additional cost. It would be using existing staff and resources.

LEG. VILORIA • FISHER:

Okay. And what do we envision here, just telling parents that they could use a V•chip, or what?

LEG. ALDEN:

I can answer what the purpose is. We've had, and maybe not in your office, but I've had parents call my office and ask what we can do about Cablevision and whether, you know, we can control our content, and they have little kids in the house, and things like that. We invited ••

LEG. MYSTAL:

Don't get cable.

LEG. ALDEN:

That's what I told them, I said do away with the cable. But I invited Cablevision down and they have a whole big program that they're developing and actually putting •• implementing right now that would inform parents on how to protect the content, or little kids from getting into content that they thought it was inappropriate. And simply, what this does is, as those things are provided to us, we will put them on the web page, so that when somebody does contact Suffolk County, they can get right to it.

LEG. VILORIA • FISHER:

Now, doesn't Cablevision provide this for their customers?

LEG. ALDEN:

Sometimes, yes, but sometimes no, and that's why my district office got some phone calls. Maybe it's because I was Chairman of Consumer Protection and there's •• you know, I've had a few times when Cablevision and I haven't seen eye to eye, but ••

LEG. VILORIA • FISHER:

And, as Legislator Mystal said, what I did was I just dropped back to the family plan, because I didn't want to hear the language in my house.

LEG. ALDEN:

Well, actually, we had some testimony ••

LEG. VILORIA • FISHER:

I mean, I dropped back to basic plan.

LEG. ALDEN:

Yeah. Well, we had some testimony that under basic, they •• people got content that they didn't really approve, so ••

D.P.O. CARPENTER:

All you have to do is watch a soap opera.

LEG. LINDSAY:

Just an observation.

LEG. ALDEN:

Go ahead.

D.P.O. CARPENTER:

Legislator Lindsay.

LEG. LINDSAY:

It's good that we don't televise these proceedings, you know?

P.O. CARACAPPA:

Can we V•chip this?

D.P.O. CARPENTER:

No comment. All those in favor? Opposed? Resolution is approved.

MR. BARTON:

17. (Not Present: Leg. Tonna)

INTRODUCTORY RESOLUTIONS FOR THE AUGUST 9, 2005
MEETING OF THE SUFFOLK COUNTY LEGISLATURE

BUDGET AND FINANCE

D.P.O. CARPENTER:

It takes us to Introductory Resolutions, Budget and Finance. **1757 (To readjust, compromise and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #218.)** Motion by Legislator Caracappa, second by Legislator Caracciolo. All those in favor? Opposed? Resolution is approved.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1773. 1773 we're going to skip over. They're working on a CN on this resolution. **1722 (A Charter Law to streamline County government and to create an Airport Advisory Council).** A Local Law to streamline County government and create an Airport Advisory Council.

LEG. CARACCIOLO:

Motion.

LEG. MYSTAL:

Motion to table.

D.P.O. CARPENTER:

Motion by Legislator Caracciolo, second by Legislator Schneiderman.

LEG. MYSTAL:

Motion to table.

LEG. BISHOP:

Second.

D.P.O. CARPENTER:

We have a motion and a second to table. That takes precedence.

LEG. CARACCIOLO:

Roll call.

D.P.O. CARPENTER:

On the motion.

LEG. LINDSAY:

Could I ••

D.P.O. CARPENTER:

Oh, I'm sorry.

LEG. LINDSAY:

On the motion.

D.P.O. CARPENTER:

Legislator Lindsay.

LEG. LINDSAY:

Could I ask the Exec's Office their opinion on this bill?

D.P.O. CARPENTER:

May you? Certainly.

MR. ZWIRN:

Thank you.

D.P.O. CARPENTER:

Ben, go right ahead.

MR. ZWIRN:

The County Executive is grateful that the Legislature is now moving to abolish the Airport Lease Screening Committee. That is something that we have talked about for quite sometime. We think that the oversight of the Legislature is critical in this matter to make sure that the airport is overseen.

We are critical of this particular piece of legislation. First of all, the County Executive has asked for the Screening Committee to become an advisory committee, and by Executive Order has set up a quality of life committee for people who live in the area, so they can keep an eye on what's going on at the airport and communication can be improved. But the makeup of this committee has built in certain conflicts. You have lease•holders sitting on the committee who are going to be screening leases, and anybody who's competitive to them or they may have their own interests here, we think the makeup of the committee is also •• could use some revision, and we're not supportive of that.

D.P.O. CARPENTER:

Thanks, Ben. Legislator Alden.

LEG. ALDEN:

Ben, thanks for coming down and sharing your views with us. Could you just tell me a little bit about the timing, though, of the Executive Order, because, you know, like as far as the time line, when this was put in, and when we were talking about actually making some changes, because I remember the County Executive put a resolution in that would have abolished that entire screening committee?

MR. ZWIRN:

And it still would abolish the screening committee. As a screening committee, it would become

just an advisory committee. But he also figured that he would •• it would better off to expand information going from the airport into the local community on quality of life issues and what is going on at the airport, but not to have a direct impact on making recommendations with respect to leases back to the Legislature.

LEG. ALDEN:

But I remember, maybe it was you, or maybe it was somebody else, coming down and presenting to the Legislative body opposition to when Legislator Schneiderman actually put something in there to establish something similar to what, or it appears to be very, very similar to what the County Executive did by Executive Order.

MR. ZWIRN:

No. The Executive Order is just a quality of life •• quality of life issues just to get information from the airport, what's going on at the airport, out to the community, so that they're aware, and they could bring it back to their, you know, respective areas, civic associations, different municipal officials in the area. But with respect to making recommendations on leases, we also have, you know, concern with respect to Legislator Schneiderman's bill here. If you look at the makeup of the committee, we think that they're going to be built•in conflicts, and you may not get leases back to the Legislature which would be beneficial to the taxpayers of the County.

LEG. ALDEN:

But I distinctly remember that Legislator Schneiderman, his bill actually did almost •• well, the first part at least of what the Executive Order tried to accomplish, or is trying to accomplish. So, I'm a little bit puzzled why you wouldn't work with Legislator Schneiderman and just, you know, try to amend what he was trying to do, rather than just like jump the gun and do an Executive Order to do what he was trying to do legislatively.

MR. ZWIRN:

Well, for a long time the County Executive has asked the Legislature as a body to abolish the Screening Committee and ••

LEG. ALDEN:

I'm actually considering that, too, but ••

MR. ZWIRN:

Yeah. And I think that you were supportive, at least in theory, with that, as were a number of Legislators. It has •• it has now come to pass, I think everybody's on the same with that, to have the Legislature have the kind of oversight I think that is the taxpayers would want you to have.

With respect to the Executive Order, the screening committee that's there now would just become purely advisory and would not be voting on leases. The makeup of the committee is different than the makeup that Legislator Schneiderman has in this, so there are substantive differences with respect to the bills that the County Executive has, which is in committee, and the one that's here on the floor.

LEG. ALDEN:

Okay.

LEG. SCHNEIDERMAN:

Angie.

D.P.O. CARPENTER:

All right. We •• Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. Yeah, roughly a year or so ago, and this is just to clarify the record in regards to Cameron Alden's, Legislator Alden's comments, about a year ago I had put in a bill to create a stakeholders/citizens advisory type of committee for the airport. As you know, there's been lots of talk about Gabreski Airport and its potential as an economic development hub for the County, and, you know, my feelings were that's all well and good, but I think we need to •• to move forward, we're going to need to include the community, and I think we'll move forward in a more expeditious way if we involve the community. That bill passed the Legislature with a significant majority. It got vetoed and I was not able to override that veto, which was unfortunate. Subsequent to that, there were several attempts to abolish the Lease Screening Committee.

Now, what the Legislature has done is it created a committee to try to take the minutia out •• away from the Legislature to give that in terms of •• only in terms of aviation leases at the

airport, not other leases, to a delegated authority committee called the Lease Screening Committee. Some Legislators have expressed to me concern that we really have given up our ability to approve leases at the airport and I understand that. Now, the County Executive recently said, "Okay, we'll abolish it and we'll turn that Lease Screening Committee into an advisory committee." The problem with that, being the advisory committee, is there really are only two stakeholders out of the eight members, so a quarter of it was myself, as Legislator from the district, and then there's a citizen at large, but the rest are either appointments from the chairs of various committees or from the Executive's side, the Head of Real Estate sits on it, Pat Zelienski, and there's a few other, County Executive has an appointment, but not specific to the region.

So, I said, basically, and as a compromise, I would agree to eliminate the Lease Screening Committee if we could create a true advisory committee of stakeholders, representatives from the towns and villages that are adjoining that airport, a business representative, somebody asked me for the Sheriff's Office, if they could have a representative, somebody who lives in the vicinity of the airport, somebody who uses the airport as a •• for aviation purposes, somebody who is a leaseholder, as was mentioned, so that basically all points of view would be represented. And when the County Legislator made its •• Legislature made its decision, we would have an advisory recommendation. It would be nonbinding, we wouldn't have to follow it, but it would be a way for us to at least know how the community and the users of that airport felt about it.

I think it's a good bill, this will do it, and I would encourage you to support it.

D.P.O. CARPENTER:

Okay. We have a motion and second to table. On the tabling motion, all those in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

LEG. SCHNEIDERMAN:

Roll call.

D.P.O. CARPENTER:

Roll call.

MR. BARTON:

On the tabling motion.

(Roll Called by Mr. Barton, Clerk)

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. COOPER:

Yep.

LEG. BINDER:

No.

MR. BARTON:

Nowick, on the tabling.

LEG. MYSTAL:

Tow the line, Nowick. Tow the line, tow the line, tow the line.

LEG. NOWICK:

No.

LEG. KENNEDY:

No to table.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes to table.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

Yes to table.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCILO:

No to table.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No.

MR. BARTON:

Seven.

D.P.O. CARPENTER:

We have a •• tabling motion fails. We have a motion and a second to approve. All those in

favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

LEG. MYSTAL:

Reverse it.

D.P.O. CARPENTER:

Do you have the oppositions noted?

MR. BARTON:

Yeah, I think so.

D.P.O. CARPENTER:

Okay. Thank you very much. The motion has been approved we will recess for lunch. We'll be back at 2:30. Thank you.

[THE MEETING WAS RECESSED AT 12:35 P.M. AND RESUMED AT 2:35 P.M.]

P.O. CARACAPPA:

We'll start the public hearing portion of today's meeting. Mr. Clerk, affidavits of publication are in proper order?

MR. BARTON:

Yes, they are, Mr. Chairman.

P.O. CARACAPPA:

Thank you. First public hearing before us is public hearing proposed increase in improvement of facilities for Sewer District No. 18 •• Hauppauge Industrial. I have two cards. First speaker is Peter Johnson.

MR. JOHNSON:

Yeah. My name is Peter Johnson. I'm with Dale Carnegie and Associates. I also Co•chair a committee for the Hauppauge Industrial Association, the Facilities Committee. I'm here to support the resolution because what we do need is to have the sewer plant upgraded so we get

an opportunity to upgrade facilities within the park, therefore enhancing our business opportunities. So I'm just here to support the resolution.

P.O. CARACAPPA:

Thank you. Bruce Germano.

MR. GERMANO:

Good afternoon. My name is Bruce Germano. I'm a board member of the Hauppauge Industrial Association and I am also the Co•chair of the Energy, Utility and Infrastructure Committee for the Hauppauge Industrial Association.

I want to first start off by thanking Legislator John Kennedy, and particularly the Commissioner of Public Works, Charlie Bartha, and the Chief Engineer, Ben Wright, for working so closely with us and supporting us on this project. These are the individuals who have been diligent throughout this entire process. They worked to put together a very well thought out plan, one that has minimal impact on the park participants, and most importantly I think they work very, very diligently to make sure that they had good public input and the opportunity for feedback.

As you may know, the Hauppauge Industrial Association is a member driven organization. It has •• it represents the interests of all the businesses in the park, which today constitute more than 1,300 businesses and 55,000 employees. To us it is a major economic engine to Long Island.

We in the Energy, Utility and Infrastructure Committee believe there are three very critical issues that are facing the future growth and development of that park. The first is traffic egress and ingress into the park and within the park and we have been working closely with the town and the County to try and improve the control of traffic flow in that park.

The second is broadband access, and to that end we have been working very closely with Stony Brook University undertaking a broadband study to understand what the needs of the park participants are today and what the needs of their businesses might be five to ten years from now to make sure that we can put together a plan that is going to help with broadband access.

And the third area is sewage treatment and that's clearly the subject of today's hearing. We've

been actively participating in this effort from the beginning. We've worked very closely with DPW, we've participated in the public information sessions and the hearings, and we believe the plan is well thought out and in the interest of all the businesses in the industrial park.

On July 8, our Executive Director, Miss Teri Miceli filed formal written comments in support of this project, and I'm here today as the Co•chair of the Utility Committee to lend credence to that support and urge you to support the measure before you. Thank you all for your time.

P.O. CARACAPPA:

Thank you very much. I have no other cards. Anyone wishing to be heard?

LEG. KENNEDY:

Mr. Chairman, I'd just like to go ahead and commend the HIA for all of its ongoing work, and we look forward to getting the improvements, which will be beneficial in the district and throughout the County.

P.O. CARACAPPA:

Motion to close the public hearing by Legislator Kennedy, second by myself. All in favor? Opposed? Abstentions? Public hearing is closed.

Public hearing (Proposed increase and improvements of facilities for Sewer District No. 11 • Selden CP 8117). Public hearing, increase and improvements of facilities, Sewer District No. 11. I have no cards. Anyone wishing to be heard? Motion to close by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions? That public hearing is closed.

I'm going to pass it over to Deputy Presiding Officer Carpenter. Thank you. 1642.

D.P.O. CARPENTER:

Public Hearing 1642 • A Charter Law to promote non•political, professional diverse County Planning Commission. There are no cards. Is there anyone who wishes to speak? This hearing was recessed. Is there a motion to close?

LEG. CARACCILO:

Motion to close.

D.P.O. CARPENTER:

Motion to close by Legislator Caracciolo, second by Legislator Alden. The hearing is closed.

1728 • A Charter Law to professionalize the qualifications of the County Planning Commission and promote smart growth principles by revising the composition of the County Planning Commission. There are no cards. Is there anyone who wishes to speak?

LEG. CARACCIOLO:

Motion to close.

D.P.O. CARPENTER:

Motion to close. Second?

LEG. LOSQUADRO:

Second.

D.P.O. CARPENTER:

Second by Legislator Losquadro. The hearing is closed.

1750 • A Local Law to eliminate duplicative and unnecessary regulation of process servers. There are no cards. Is there anyone who wishes to speak? Hearing none, do we have a motion to close?

LEG. CARACCIOLO:

Motion.

LEG. ALDEN:

Motion.

D.P.O. CARPENTER:

Motion to close by Legislator Caracciolo, second by Legislator Alden. The hearing is closed.

1777 • A Charter Law to prohibit campaign contributions from contractors doing

business with the County of Suffolk. There are no cards. Is there anyone who wishes to speak?

LEG. CARACCILOLO:

Motion to close.

D.P.O. CARPENTER:

Motion to close, Legislator Caracciolo, second by Legislator Alden.

LEG. FOLEY:

Motion to recess.

D.P.O. CARPENTER:

Motion to recess.

LEG. CARACCCIOLO:

Roll call.

D.P.O. CARPENTER:

Is there a second on the motion to recess?

LEG. LINDSAY:

Second.

D.P.O. CARPENTER:

Second. Okay. A roll call on the motion to recess.

LEG. VILORIA • FISHER:

Which one?

D.P.O. CARPENTER:

1777.

LEG. CARACCILOLO:

Good government resolution.

MR. BARTON:

On the motion to recess.

(Roll Called by Mr. Barton, Clerk).

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

(Not Present)

LEG. TONNA:

(Not Present).

LEG. BINDER:

Pass.

LEG. MYSTAL:

(Not Present)

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

(Not Present)

LEG. LOSQUADRO:

No.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No.

LEG. CARACCILOLO:

No.

D.P.O. CARPENTER:

No.

LEG. NOWICK:

Henry, I want to change my vote.

P.O. CARACAPPA:

No.

LEG. COOPER:

No.

LEG. BINDER:

No.

MR. BARTON:

Mystal, on the motion to recess?

LEG. MYSTAL:

Motion to recess, yes.

P.O. CARACAPPA:

The public hearing.

LEG. MYSTAL:

Yes.

MR. BARTON:

The public hearing.

MR. MONTANO:

(Not Present)

LEG. NOWICK:

No.

MS. BURKHARDT:

Henry, Lynne wants to change it to a no.

MR. BARTON:

Lynne is no? Okay. I've only got five. (Not Present: Legs. Montano and Tonna)

D.P.O. CARPENTER:

Okay. So, we have a motion to close by Legislator Caracciolo, second by ••

LEG. O'LEARY:

Second.

D.P.O. CARPENTER:

•• Legislator Alden. All those in favor? Roll call.

MR. BARTON:

On the motion to close.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. MYSTAL:

Pass.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes. What are we doing closing? Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

(Not Present)

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes to close.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes to close.

LEG. SCHNEIDERMAN:

Yes to close.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yeah.

LEG. BISHOP:

Change my vote to a no, please.

MR. BARTON:

Change yours to a no, yes.

LEG. MYSTAL:

I'm a no.

MR. BARTON:

No, okay. 12.

LEG. ALDEN:

Point of order. If that would have failed, what happens to the bill, it goes into limbo?

P.O. CARACAPPA:

Automatically recessed.

LEG. ALDEN:

Oh, it's automatically recessed? Okay.

D.P.O. CARPENTER:

Okay. The hearing is closed. Next, we'll set the date for the following public hearings:

Thursday, August 18th, in Ways and Means, 1818; Thursday, the 18th, in Health and Human Services, Number 1789, and it's •• Ways and Means is 9:30. 1818 is 11:30 in Health and Human Services. 1789 in Environment at 2 p.m. 1832, Tuesday, the 23rd, at the General Meeting. 1791 •• oh, I guess, then the rest of these are for the General Meeting in Hauppauge at 5:30, it's a night meeting, and that is 1791, 1820, 1821, 1827, 1835, 1868, 1903, 1922, and 1923. I have a motion to set the public hearing by myself, second by Legislator Nowick. All in favor? Opposed? The hearing is set.

Okay. I guess that takes us back to the agenda, Page 9. We were on ••

LEG. LINDSAY:

What committee?

LEG. CARACCILOLO:

EPA.

D.P.O. CARPENTER:

I just wanted •• 1773 was done, 1722. 1773 was passed over.

MS. SULLIVAN:

1737 we're on.

LEG. BINDER:

What happened to 22?

D.P.O. CARPENTER:

1722 was approved, and we're up to ***1737 (Approving the lease of premises located at Main Street and Roanoke Avenue, Riverhead, New York, by Suffolk County Community College)***, approving the lease of premises located at Main Street and Roanoke in Riverhead.

LEG. CARACCILO:

Motion to table.

D.P.O. CARPENTER:

Legislator Caracciolo.

LEG. CARACCILO:

Motion to table.

LEG. O'LEARY:

Second.

D.P.O. CARPENTER:

Motion to table, and we have a second.

LEG. ALDEN:

Second.

D.P.O. CARPENTER:

All those in favor? Opposed? Resolution ••

LEG. FOLEY:

On the motion.

D.P.O. CARPENTER:

On the motion.

LEG. FOLEY:

We approved this unanimously out of our committee. If the sponsor could explain why you need to table the resolution.

LEG. CARACCILOLO:

I'd be happy to. I yesterday sent an E•mail to the County Attorney's Office.

LEG. FOLEY:

Can't hear you, Mike.

LEG. CARACCILOLO:

Yesterday I requested the County Attorney's Office to provide me with their analysis or recommendations concerning this lease. I was informed by E•mail by Ms. Malafi that her office did not prepare this lease, it was prepared by the College. I would like to see the County Attorney's Office review the lease. I'd also like to see the Financial Impact Statement, which I've been advised this morning by our Budget Review Director has not been completed. So, for those two reasons, I'm making a motion to table.

MS. BRADDISH:

I want to make a comment on this one.

D.P.O. CARPENTER:

All right. We have a motion to ••

LEG. FOLEY:

Table.

D.P.O. CARPENTER:

•• table and a second.

LEG. FOLEY:

Madam Chair, if I just may follow up on that.

D.P.O. CARPENTER:

Legislator Foley.

LEG. FOLEY:

Thank you. Legislator Caracciolo, aren't normally those things attached to a bill to lease? Most lease resolutions that we have come before us that are in committee and then reported out of committee, I would assume, particularly the sponsor has that information, you know, what we used to call an "Apple Pie Order" before we vote on it. So, you're telling us today that that •• those attachments are not part of the resolution, the Financial Impact Statement or the ••

LEG. CARACCILOLO:

I would suggest ••

LEG. FOLEY:

I thought they were.

LEG. CARACCILOLO:

I would suggest that the committee should have made those inquiries before they reported it out. But that said ••

LEG. FOLEY:

Well, we felt that ••

LEG. CARACCILOLO:

That said, the reality is, and I'm answering your question ••

LEG. FOLEY:

Go ahead.

LEG. CARACCCILOLO:

The motion to table is based on the fact that I would like the County Attorney's Office to review it and advise me if they feel this is a good lease. And, more importantly, we need to wait for the financial impact statement, which, Budget Review has informed me as of this morning, is not yet completed.

LEG. FOLEY:

Well, let me just •• let me just complete the •• if I may, through the Chair. There was a very comprehensive proposal, if you will, and discussion of this by the •• presentation, rather, by the College that went at some length of time. And I see, through the Chair, that Ms. Basia Braddish is here from the County Attorney's Office and I would like to hear from her on the comments that were just made by the sponsor of the bill.

MS. BRADDISH:

I can't comment ••

LEG. FOLEY:

Through the Chair.

MS. BRADDISH:

•• on the Fiscal Impact Statement, but with regard to the lease ••

LEG. FOLEY:

Right.

MS. BRADDISH:

•• several comments, is, actually, I worked closely with Irene Kreitzer from the College ••

LEG. FOLEY:

Right.

MS. BRADDISH:

•• on preparing the document. I had no role in negotiating it. However, it's based on the County Attorney's Office form lease. And, essentially, every time she had a modification, she consulted with me and we made a joint determination on how an issue would be addressed.

The document that's before you is in substantial form. There are several minor changes that actually as early as this morning we went over, but none of them are substantive. And, actually, in some aspects, it has some very favorable penalty provisions and items like that.

LEG. CARACCILOLO:

I'm glad to hear that. That was the reason why I originally sponsored the resolution, but I wanted to get the judgment of the County Attorney's Office ••

LEG. FOLEY:

There you have it.

LEG. CARACCILOLO:

•• so this did not become a political issue in the foreseeable future, somebody trying to make hay where there's no hay. But that said, we still don't have a Financial Impact Statement. Gail, when would you anticipate having that, by the next meeting?

MS. VIZZINI:

Oh, certainly.

LEG. CARACCILOLO:

Okay. So, I'm going to table it until the ••

LEG. FOLEY:

For one cycle.

LEG. CARACCILOLO:

Right.

D.P.O. CARPENTER:

Well, since we're meeting in two weeks, it doesn't seem like that's unreasonable. So, I have a motion and a second to table. All those in favor? Opposed? Resolution is tabled.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

1749 • Appropriating funds to implement Out•of•County Tuition Payment Policy (for Suffolk County Community College). Motion by Legislator Nowick, second by myself. All those in favor? Opposed? Resolution is approved.

MR. BARTON:

17. (Not Present: Leg. Tonna)

ENVIRONMENT, PLANNING AND AGRICULTURE

P.O. CARACAPPA:

Environment, Planning and Agriculture. **1187 (Authorizing acquisition of land under the First • •**

P.O. CARACAPPA:

I'll second it.

D.P.O. CARPENTER:

Excuse me?

P.O. CARACAPPA:

I'll second this.

D.P.O. CARPENTER:

Oh, okay. **Authorizing acquisition of land under the first (1987, as amended 1996) 1/4% (Suffolk County Drinking Water Protection) Program for the Gould's Pond property (SCTM No. 0208•017.00•08.00•002.001 P/O • Village of Lake Grove • Town of Brookhaven).** Motion by Legislator Kennedy, second by Legislator Caracappa.

MR. MONTANO:

What's this, to • •

D.P.O. CARPENTER:

All those in favor?

MR. MONTANO:

To table?

D.P.O. CARPENTER:

No, to approve. All those in favor? Opposed? Resolution is approved.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

1284 • Approving acquisition under Suffolk County Multifaceted Land Preservation Program (Third Creek Woods property) Town of Shelter Island). Legislator Caracciolo?

LEG. CARACCILOLO:

Motion to table.

D.P.O. CARPENTER:

Motion to table.

LEG. O'LEARY:

Second.

D.P.O. CARPENTER:

Second. All those in favor? Opposed? Resolution is tabled.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

1298 • Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Coffey property) Town of Smithtown). Legislator Kennedy?

LEG. KENNEDY:

Motion.

D.P.O. CARPENTER:

Motion, second by Legislator Nowick. All those in favor? Opposed? Resolution is approved.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

1650 • Authorizing planning steps for acquisition under Suffolk County Multifaceted (Land Preservation) Program (and Suffolk Community Greenways County Fund, the Tuthill Point Estates property (Town of Brookhaven). Legislator Schneiderman, motion, second by ••

LEG. CARACCILO:

Second.

D.P.O. CARPENTER:

Excuse me? Second by Legislator Caracciolo. All those in favor? Opposed? Resolution is approved.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1659 • Implementing Brownfield Policy for Mackenzie Chemical Works Site (in Central Islip (SCTM No. 0500•120.00•03.00•093.003).

LEG. MONTANO:

Motion to table.

D.P.O. CARPENTER:

Motion to table.

LEG. O'LEARY:

Second.

D.P.O. CARPENTER:

Second by Legislator Foley. All those in favor? Opposed? Resolution is tabled.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1719 • Appointing member of the Council on Environmental Quality (John Matthew Wagner). Motion by Legislator Caracappa.

LEG. O'LEARY:

Second.

D.P.O. CARPENTER:

Second by Legislator Foley?

LEG. O'LEARY:

Second.

LEG. FOLEY:

No.

LEG. O'LEARY:

Second.

D.P.O. CARPENTER:

Second by Legislator O'Leary. All those in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

LEG. COOPER:

Motion to table.

LEG. FOLEY:

Second.

D.P.O. CARPENTER:

We have a motion to table by Legislator Cooper, second by Legislator Foley. On the tabling motion, all opposed •• I mean all in favor? All opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

LEG. ALDEN:

Maybe we should do a roll call.

D.P.O. CARPENTER:

Roll call on this, please.

MR. BARTON:

On the motion to table.

(Roll Called by Mr. Barton, Clerk)

LEG. COOPER:

Yes.

LEG. FOLEY:

Yes to table.

LEG. TONNA:

(Not Present)

LEG. BINDER:

No.

LEG. MYSTAL:

Table, yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Sure.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

Yes to table.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCILO:

No to table.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No.

D.P.O. CARPENTER:

Tabling motion fails. We have a motion and a second ••

MR. BARTON:

Seven. (Not Present: Leg. Tonna).

D.P.O. CARPENTER:

•• to approve. All those in favor?

LEG. BISHOP:

On the motion.

D.P.O. CARPENTER:

On the motion, Legislator Bishop.

LEG. BISHOP:

This is to remove or replace Adrienne Esposito; correct?

D.P.O. CARPENTER:

It's to fill an expired term, yes.

LEG. BISHOP:

Right, okay. I think that she's earned another term on the Council of Environmental Quality. The CEQ exists to provide a pause to the system, and during that pause, we are to consider or they are to consider what impact on the environment government actions would have, specifically county government actions.

She is a renowned environmentalists. I don't think there's anybody here at this horseshoe who

does not acknowledge the depth of her knowledge in all the environmental issues that this County faces. So, by removing her and replacing her, essentially, we're saying that the institution is not important to us, because it's akin, from my perspective, to removing a physician from a hospital. This is •• this is the person with the greatest depth of knowledge on the very •• on the topics that the institution is designed to address and we would remove her. So, I don't •• I don't think that that's good policy.

And I don't understand the argument that she's a lobbyist, registered not in the County, but in the State, so it's not even a County lobbyist. And moreover, she's not a lobbyist for a paid concern, she's not fronting for an industry, or anything, she's fronting as an advocate. She is what she is, she's an advocate for the environment.

So, you know, the point of those laws are to prevent hidden agendas. Her agenda is up front and we all know what it is, and most of us, especially those who are going to vote against this resolution, support that agenda, which is to protect Suffolk County's environment.

LEG. FOLEY:

Madam Chair.

D.P.O. CARPENTER:

Legislator Caracappa, followed by Legislator Foley.

P.O. CARACAPPA:

Environment or not, a special interest is a special interest. Being paid by a special interest to advocate positions for that special interest is a lobbyist for a special interest, whether it's for, again, as I used yesterday, a pesticide firm or for the environment. You're paid by a •• you're paid by a special interest to advocate positions. And being part of CEQ •• being a paid advocate by a special interest, you go into that room with preconceived notions on some of the important items that you have to vote on before you can even come to the table with an objective viewpoint. I don't understand how you don't see the conflict.

D.P.O. CARPENTER:

Legislator Foley.

LEG. FOLEY:

Thank you, Madam Chair. And Ms. Esposito is a constituent of mine and has lived in the Village of Patchogue for many years. And, as I mentioned yesterday, it was my honor, as well as for others, to sponsor her appointment several years •• some years back, and she •• as was said, she's a well credentialed, informed, and a very active member whose attendance at CEQ I think is one of the most highly attended or best attended members of that particular group, and she has lent some invaluable perspective to a board, to an organization that needs to have variety, needs to have not just those professionals from the fields of law and let's say the private world, but also someone who's very active in the field of, yes, environmental advocacy.

And where I would respectfully differ with the Presiding Officer, it's not so much a special interest as it is her advocacy is in the public's interest, and that's been her perspective. That's the way that she has conducted herself, comported herself before our health committees as well as our environmental committees. That's the way that she's conducted herself at the CEQ meetings. So, you know, it's that kind of background and credentialed person that we need to have on CEQ. There certainly are other appointments that can be made to the board. There are a number of openings that need to be filled, but I believe that she has provided an invaluable service to the County and she deserves reappointment.

P.O. CARACAPPA:

If everyone felt so strongly about her reappointment, it was up six months ago, where was the resolution? Six months ago. It was only after I put in someone to replace an expired term where all this came back. Six months late, guys.

LEG. VILORIA • FISHER:

Madam Chair.

D.P.O. CARPENTER:

I'll put you on the list. Legislator Bishop.

LEG. COOPER:

Angie.

LEG. SCHNEIDERMAN:

Angie, put me on the list, too.

LEG. BISHOP:

I think that part of the confusion is between political definitions like "special interest" and legal definitions like "conflict of interests", and it's important that we sort those out before we move forward. Special interest is a broad term which you could imply to anybody who comes before this Legislature with any perspective on any bill. You know, you're passion is another one's special interest, it's just a matter of where you sit and your perspective on the issue. A conflict of interest is a legal definition which has to do with whether you have a personal pecuniary interest in the outcome of a decision. And we have specific laws on that, which she didn't violate. So, to tar her with the notion that she's involved in some sort of conflict of interest I don't think is fair.

So, I think that the special interests that she stands for, which is the environment, is one that we all stand for, and she's clearly one of the best in the County at advocating for the environment, and would be a grave loss if we didn't have her serving.

D.P.O. CARPENTER:

Legislator Alden.

LEG. ALDEN:

Well, I'm glad that Dave tempered his original comments, because I almost thought that I was hearing a little bit of like a political chastising, as far as the way a decision is going to be made, because each one of us has to look at how do we want to see the best form of government in Suffolk County, and whether that be one individual or another individual.

So, I commend Adrienne for serving for the length of time that she did, because I don't think she was paid on the CEQ, but as far as I'm concerned, I have to look at, you know, who's put up there. And if I see another candidate that maybe I feel can do a good job, then I'm going to make a decision based on her credentials and the other person's credentials and I'll do that with any board any type of appointment. And I was glad to hear Legislator Foley made that very same argument, that he believes that she's the best one for this job and that she should be either reappointed, and I'm just thinking that maybe somebody should have put a resolution in, as the Presiding Officer pointed out, because it lapsed six months ago, her term did. And if she's been attending meetings since then, I commend her for doing that, too. But, at this point

in time, we have a resolution to act on, and each one of us has to just search our own conscience and take a look at the credentials, and do we think that the person that's being considered right now will serve the County of Suffolk and the people of Suffolk County.

D.P.O. CARPENTER:

Legislator Vilorio•Fisher.

LEG. SCHNEIDERMAN:

Madam Chair, put me on the list.

LEG. VILORIA•FISHER:

When I served as Chair of the Parks Committee, I attended CEQ meetings. I attend CEQ meetings every now and then, if there is an issue on the agenda in which I have an interest. I have seen Miss Esposito's expertise when I have attended that meeting. I have seen the level of professionalism that she has added to that body, and I have also come to know many of the members of the committee. And when I did serve as Chair of the Parks Legislative Committee and I attended CEQ, at first I was surprised that some of the people that I saw serving on CEQ were people that I saw at Brookhaven Town meetings representing the builders who were seeking zone changes or variances. I learned over the years that because of the balance in and diversity of CEQ, that although there seemed at first blush to me a conflict in those particular members whom I had seen representing developers at town meetings, that they also brought an expertise and a vantage point.

It is because the diversity makes CEQ such a knowledgeable group of people that I feel that we need to continue Adrienne Esposito's tenure as an environmentalist, because she's the only professional environmentalist in that group. I can certainly vouch for her being present every time I attended the CEQ meetings, and I can certainly vouch for her level of expertise.

I hope that we do address this in a manner that isn't fraught with anger or divisiveness, but rather a spirit of commonality in our desire to have CEQ continue to be the type of filter that we need when we address environmental issues as the lead agency here in SEQRA.

So, I agree with what Legislator Alden and Legislator Bishop before him said, and Legislator Foley. We need to address this together in order to move forward, and we need to have a balanced membership.

And the reason, Mr. Caracappa, that you said why was it out there for six months, sometimes we've had holdovers that have lain there for awhile and we haven't picked up on it. That's a problem with many of our committees, that we sometimes learn by serendipity when there's an opening. You know, it happens with Vanderbilt, sometimes we don't get •• we don't get the message fast enough. And we should have been •• we should have stepped up to the plate sooner and rather than let a position languish for so long, but, again, that's to Adrienne Esposito's credit, that although she was a holdover, she continued to do her job and do it well.

D.P.O. CARPENTER:

Legislator Cooper.

LEG. COOPER:

Legislator Caracappa raised a valid concern, and it affects not just this board and this position, but I think it's much broader than that. And there may be •• there may be lots of conflicts of interest, depending on how you define a conflict of interest, on lots of boards. Looking at this board, I don't even know all the members of CEQ, but I know that Terry Elkowitz is the head of the Board, I think she's the head of the Board, and she's Associate Director of the Long Island Builders Institute, which is an association of building industry professionals. They represent developers, commercial and residential builders and remodelers. Now, there's nothing wrong with that, but I don't know whether that's anymore of a conflict than having an environmental advocate on the Board.

P.O. CARACAPPA:

Ms. Elkowitz went for an ethics ruling years ago, though. Ms. Esposito never even •• never even bothered.

LEG. COOPER:

Perhaps. I don't know how many members of CEQ have gone before the Ethics Commission or the other boards. I don't know whether they routinely do that or not, whether that should be a requirement. Perhaps it should be. I introduced this bill. I honestly did not know that there was another bill put forth for this position. I just learned that Adrienne's term had expired. I have a close relationship with Adrienne, I've worked with her on a number of issues, so I offered to sponsor a bill to reappointment her, that was it.

I think that there are five expired terms on CEQ, and I think that some of them expired six months ago, twelve months ago. I don't know whether my office is different than any other office, but I don't normally get routinely informed when a term expires on a County board. Maybe we should be. Maybe as soon as there's an opening on a board, every Legislator should be made aware of that. If not, I don't know how I would be able to keep track of all these boards and committees.

So I believe that there's no more of a conflict with Adrienne than there is with Terry or others, but that's why I made the motion to table. I mean, if there is this question, if we feel •• and if there are Legislators that feel that there really may be a conflict of interest and it should be referred to the Ethic Commission, we have another meeting in two weeks, you know, why don't we put a hold on all three of these resolution.

I don't know whether there are conflicts with the other •• I don't know any of these •• I don't know John Wagner, I don't know John Potente, and I don't know Jeffrey Snead. I mean, they may be wonderful people, but they seem like they're all lawyers, either involved in land use or representing developers, or •• and, again, there's nothing wrong with that, but they may well have conflicts, and maybe they should all go before the Ethic Commission before we appoint them to a board. But I don't think it's right to pick on Adrienne Esposito, and particularly because of her background. I think everyone here acknowledges that she has a very strong background as a dedicated environmentalist. She'd widely respected in the community. I don't think there's an environmental advocate on Long Island that's better known than she is. She's only one voice on CEQ. I think it has eight members, plus the Chair of the Parks Committee, that's nine, so it's one voice out of nine. And to lose the only environmental advocate on CEQ, even temporarily, I don't think is right.

So, again, Legislator Caracappa raised a valid question, but I think that if we are going to attempt to address that in the case of Adrienne Esposito, we should use the same standard with the other potential appointees and ask them all to go before the Ethics Commission and wait for a ruling. Thank you.

D.P.O. CARPENTER:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Well, certainly, this discussion has caused us to focus on CEQ and determine how we are best advised by CEQ, and what constitutes a conflict and what doesn't constitute a conflict. I've had the pleasure of working with Adrienne Esposito over this past year on this pesticide bill, and she is truly a very effective advocate for the environment. I also served with Adrienne on the CEQ, and to my mind she's been a good member. It is difficult, I would think, to wear two hats where you are the head of a large organization and you have contributors who are expecting you to maintain certain position, advocate in front of the County, and also serve on the County. It's very guilty, I would think, to wear those two hats. I haven't seen that, but I •• you know, in terms of conflict, but I think the Presiding Officer has raised a very interesting question that probably should be vetted, as well as maybe some of the other members in front of the Ethics Board. That's why we have the Ethics Board.

We do have an issue with room on the CEQ. I certainly think at the table there ought to be an environmental voice. I think also, as CEQ is our Historic Trust Advisory Board, there ought to be by statute a voice for a historic preservationist. And Joe was kind enough to allow me to introduce a late•starter today to expand the membership to add two seats. You know, should Adrienne get a clean bill of health, if she decides to continue to try for this position, I think she'd be a good member, yet I think that issue has to be resolved.

So I've asked the County Executive to allow me to do that by CN. I have got no indication that he'll do that so we could move forth more quickly with creating two more positions. If not, that will go, like everything else, to the committee, and I would ask the Legislature to support the creation of two more positions, one for an environmental advocate and one for a historic preservation advocate.

LEG. LINDSAY:

Madam Chair.

D.P.O. CARPENTER:

Thank you. Legislator Caracappa? Legislator Lindsay. Wait. Legislator Kennedy and then Lindsay.

LEG. KENNEDY:

Thank you, Madam Chair. Just to go ahead and clarify the record, Legislator Cooper, earlier you mentioned the three appointments that are up today. The appointee that I sponsored, Dr. Potente, is not, as a matter of fact, an attorney, he is a dentist with expertise in indigenous flora and fauna. And I guess I would just like to add the knowledge that I have with CEQ, having served as the Exec's liaison to the Board for six years.

Representation of environmental perspectives are certainly important, but I would say that it is a process that is essentially statute driven, as Legislator Bishop referred to before, where a hard look occurs. And what has to happen is all of the board members have to go ahead and agree on how to characterize whatever the particular action is that's before them. We see it now with Energy and Environment, and it spans a range from major initiatives to things as simple as curb cuts.

So, much of what goes on there is concurrence amongst the board as far as the nature and the characterization and particular action that's taken.

Also, my understanding is, is that we have a wide array that sits on that board now, marine scientists, folks with backgrounds in a variety of different planning areas. And all the folks that serve, including Miss Esposito, are to be commended for the volunteering time that they give. I think, as Legislator Alden said, before us now today we have the name of somebody who has also agreed to go ahead and be a volunteer to participate in that role and take the hard look.

D.P.O. CARPENTER:

Legislator Lindsay.

LEG. LINDSAY:

Yeah, really following up on what Legislator Kennedy said, where we've had a disagreement over this issue for the last couple of days. And we're really fortunate that we live in a county that so many of our citizens come forward and volunteer their time. And it isn't as if these appointments are high paid appointments, they serve of their time voluntarily, their own time. And I think we're blessed that we have so many people that are willing to devote their time for the public good.

Having said that, and I know it's not the resolution before us, but Legislator Kennedy talked about his appointment, Mr. Potente, and I don't think anybody has a problem with that

appointment. His credentials seem impeccable, it's an open seat, we're not booting anybody off that wants to serve.

Going back to the discussion before about questioning Ms. Esposito because of her status on the State level as a lobbyist, she doesn't carry that status on the local level, because she doesn't fit the criteria by local law. You know, we should also look at Mr. Wagner's credentials. Although he is not a lobbyist, he does •• he's you know, a land use attorney. I'm sure that there will come times where he certainly will have a conflict, because some of his clients, you know, might have a project that comes before CEQ. So, you know, that should be a consideration, too. I mean, we should use the same •• the same measure for all our candidates.

D.P.O. CARPENTER:

Legislator Caracappa.

P.O. CARACAPPA:

Thanks. I'll just try and keep this brief. Three years ago, my concerns on the appointment of Adrienne were the same as they were today, and for no other reasons than I stated then. Maybe it's because I was in the minority by way of my vote then on the appointment, my concerns weren't taken seriously by anyone on this board, anyone on CEQ, or the nominee then, who was Adrienne, or else she could have gone to the Ethics Board, as was suggested by myself back then, when we were taking the original vote. But, again, I guess when you're in the minority, you're dismissed pretty quickly, your opinion, and that's unfortunate.

Legislator Kennedy also touched on something I think is very important with relation to the rest of the members of that board. And I had a wonderful year serving on that board myself when I was a Parks Chair here. They all are environmentalists. They may not have the caliber of knowledge that Ms. Esposito does when it relates to Long Island's environment, Suffolk County's environment but they all are environmentalists at heart.

And I ask a question to Legislator Vioria Fisher, if she wouldn't mind answering. I was saying that all the people on CEQ from all their backgrounds, they are •• and you've been there, they're all environmentalists at heart, they all care deeply about the environment. Your appointment recently that we did as a bipartisan group, unanimously I might add, Mike Kaufman is an attorney. I served with Mike, think he's a fantastic guy, and he cares deeply

about the environment; would you agree with that assessment? Or because he's a lawyer he's not an environmentalist?

LEG. VILORIA • FISHER:

I've never used the fact that any of these people were lawyers as an argument here. It was just ••

P.O. CARACAPPA:

You're missing my point. I think in the ••

LEG. VILORIA • FISHER:

Somebody can •• Michael White is a lawyer and he's an environmentalist, so I'm not going to indict all lawyers as nonenvironmentalists.

P.O. CARACAPPA:

It's not just the lawyers. My point I'm trying to make is that

Ms. Esposito was not the only environmentalist on this board. She never has been, and there'll always be environmentalists on this board. Again, maybe not of her caliber, but all of them, years past, years forward, all had the environment at heart, whether attorneys, professional lobbyists, whatever their background may be. They go on CEQ because they care about Suffolk County's environment and they've always done a great job. So, I guess I'm defending the rest of the members of CEQ when I say that they all care about the environment, not just one sole person.

D.P.O. CARPENTER:

Thank you. Legislator Caracciolo.

LEG. CARACCILOLO:

Since the conversation is now centered on attorneys, you know, it brings to mind a couple of years ago when Jim Tripp, attorney for the Environmental Defense Fund, a very prestigious organization, someone who has served in that capacity for many, many years, and who was up for reappointment as a board member at the Suffolk County Water Authority. And I recall that, at that time, I didn't hear arguments •• I didn't hear a whisper from the environmental community about Jim Tripp being knocked off that board where he served for 15 years.

P.O. CARACAPPA:

Why?

LEG. CARACCILOLO:

Why? I didn't hear a number of colleagues, who are trying to make this something it's not, stand up and vote for Jim Tripp, except they want to instead •• Democrats primarily, went along with the majority and voted for George Proios.

LEG. FOLEY:

That's not true.

LEG. CARACCILOLO:

It is true. I have the vote sheet right here. You didn't, Brian, Vivian didn't, neither did I or Angie Carpenter, but others did. So let's not frame the issue, as I read in the paper yesterday, that this is somehow a partisan issue.

I have before me a list of 18 appointments, sponsored by the minority members of this Legislative body, in the last year that were either unanimous votes for appointments by the minority party members. There's no partisanship going on here. This body works very closely and very well together to put what we hope are the best qualified. And I don't want to suggest that Adrienne is not qualified, she is extremely qualified. And I am hopeful that with Legislator Schneiderman's resolution, that the County Executive is listening and will provide us with that CN today, so we can move on that appointment, unless we want to make this, you know, a political charade, which I think it's already evolved into, unfortunately. There is a way to resolve that, and if we don't do it today, we'll do it at the next meeting. So I think there's plenty of opportunity for Adrienne to continue to serve, and I look forward to the opportunity to vote for her again in that capacity.

LEG. LINDSAY:

Mr. •• Madam Chair.

D.P.O. CARPENTER:

Legislator Cooper, and then Legislator Lindsay.

LEG. COOPER:

I just wanted to say briefly, I never said that this was a partisan issue ••

LEG. CARACCILOLO:

No, I'm not saying ••

LEG. COOPER:

•• and I never said it was political. I think I've bent over backwards ••

LEG. CARACCILOLO:

I said the newspapers said that.

LEG. COOPER:

Well, that's the newspapers and we can't control that. But I just believe that •• I cannot think of a more passionate, articulate, broadly educated advocate for the environment on Long Island as Adrienne Esposito, and I think that she served the County well, both through her advocacy work at Citizens Campaign over the years, and by the time that she served on CEQ.

I hope that •• as Legislator Schneiderman has introduced a bill, I've also introduced a resolution today that Legislator Caracappa was also kind enough to allow as a late•starter. Similar to Jay's bill, mine would add two members, both of them environmentalists, whereas Jay is one environmentalist and history preservationist.

LEG. SCHNEIDERMAN:

One•upmanship, is that what he's saying? I'll make mine three; okay?

LEG. COOPER:

And I'll up you. And if there can be a bipartisan coalition that forms around either bill, and we can find a way to reappoint Adrienne to CEQ, I'll be happy. As I said, I have nothing against John Wagner, I know nothing about him, my only concern was that Adrienne was being replaced for a reason that I didn't feel was sufficiently valid. And, again, if she's going to be held to a certain standard and asked to appear before the Ethics Commission, then, you know, maybe that should be a requirement across the board for all potential appointees to boards. But, in any case, whether this resolution passes or not, I do hope that we can find a way to reappointment Adrienne to CEQ. I think that she performs a very valuable service for the

residents of Suffolk County.

D.P.O. CARPENTER:

Legislator Lindsay.

LEG. LINDSAY:

I'm not sure I understand what we're talking about here. We're talking about removing Miss Esposito from CEQ, passing a bill to expand it, and then reappoint her?

D.P.O. CARPENTER:

No.

LEG. O'LEARY:

No, you're saying that.

D.P.O. CARPENTER:

No. We have a bill before us to appoint ••

LEG. LINDSAY:

No. I understand the bill before us.

D.P.O. CARPENTER:

Oh, okay.

LEG. LINDSAY:

I'm just trying to follow up on Legislator Caracciolo's comments ••

D.P.O. CARPENTER:

There's future things that will be before us.

LEG. LINDSAY:

•• and Cooper's as well. I mean, if the mystery to this whole process is that these people go before the Ethics Board to see if they have any conflicts, well, why don't we just do that?

D.P.O. CARPENTER:

If I could just respond. I think it more hinges on the fact that one candidate is a registered lobbyist, and I don't know if any of the others are. And I would assume that anyone who is a registered lobbyist probably should go before the Ethic Commission, because I think it's more than just the fact that the lobbying is for a not•for•profit, because we have other registered lobbyists that are not•for•profit.

LEG. LINDSAY:

I understand that argument. I just don't understand the rationale of some of my other Legislators that are promoting additional legislation to expand it and mandate that environmentalists be on it, and then talk about putting Miss Esposito back on. I know if I was Miss Esposito, after you threw me off, I would say, "Hey, guess what, I'm not going to volunteer my time anymore," you know?

D.P.O. CARPENTER:

Maybe that will be the case.

LEG. LINDSAY:

You know?

D.P.O. CARPENTER:

Legislator Nowick.

LEG. LINDSAY:

But just to finish my time.

D.P.O. CARPENTER:

Oh, I'm sorry. I'm sorry.

LEG. LINDSAY:

And I'd like to point out to Legislator Caracciolo something about Mr. Tripp. Mr. Tripp was replaced by another guy with environmental credentials, Mr. Proios. And, you know, I •• Legislator Caracciolo tried to paint that as a partisan argument. As far as I know, they were both registered Republicans. I don't •• you know, I don't think that was a partisan issue at all.

D.P.O. CARPENTER:

Well, maybe it's a matter of ••

LEG. VILORIA • FISHER:

Joe, can you put me on the list?

D.P.O. CARPENTER:

•• giving other people the opportunity to serve on some of these things, and once you're appointed doesn't mean you have an appointment for life. Legislator Nowick.

LEG. NOWICK:

Yeah. I just need to put on the record here, one of the problems is, and it's been mentioned before, is it is not that Adrienne Esposito is not qualified, because we all know that she has been excellent for the County of Suffolk, and I personally want to thank her right now. The problem is there is no piece of legislation before us appointing Adrienne Esposito.

P.O. CARACAPPA:

That's right.

LEG. NOWICK:

There is a piece of legislation appointing •• there are three pieces, Mr. Wagner, Mr. Potente, and Mr. Snead. Now, even though Adrienne Esposito is highly qualified, and we all agree on that, so, too, are these three people. How can we •• if we vote against these three people, we are, in essence, saying, "You're not qualified." The major problem is these are the only pieces of legislation before us.

P.O. CARACAPPA:

Exactly.

LEG. NOWICK:

That's cut and dry.

LEG. COOPER:

Can I just ••

LEG. ALDEN:

I have a point of order.

LEG. COOPER:

Angie.

D.P.O. CARPENTER:

Point of order, Legislator Alden.

LEG. ALDEN:

And the Presiding Officer just •• he could indicate with a nod of the head or a shake of the head, because, as he speaks, I'm losing my voice and I'm actually going to be moved to tears if you have to keep talking anymore, Joe, because ••

P.O. CARACAPPA:

Me, too.

LEG. ALDEN:

Good, because it sounds real painful. But correct me if I'm wrong. On laid on the table, right, late•starters, don't we all vote on that, or is that up to the discretion of the Presiding Officer?

P.O. CARACAPPA:

We all vote on it.

LEG. ALDEN:

Okay. Thank you.

D.P.O. CARPENTER:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

I think I'm just going to mention one thing that hasn't been mentioned before, and that is that my only argument with these appointments is this. And I'm going to go back to my own

record, because I'm not asking anybody else to meet any standard that I haven't made •• met myself.

I had introduced Resolution Number 1629, which was appointing Mary Ann Spencer to the CEQ as a person with a background in historic preservation. When I learned in committee that there was somebody who was holding that seat currently as a holdover, I made a motion to table my own bill until such time that it was clear to me that that person who was serving in that capacity wanted to resign or was interested in pursuing •• to continuing in that position, just as a courtesy to a volunteer. And so I asked that all resolutions introducing a new appointee be tabled until such time that we ascertained whether or not the sitting member was interested in continuing in that capacity or resigning.

The record will show that at committee I voted to table Mr. Wagner, because the seat is an encumbered seat held as a holdover by Adrienne Esposito. I voted to approve 1724, because that's a seat that was currently vacant. And I voted to table Mr. Snead, because that was an appointee to the seat to which I had appoint •• recommended Mary Ann Spencer. Again, I was consistent in exacting the same kind of demands from my colleagues as I did for myself.

All I'm saying is that when someone is a volunteer and holding a seat, that we not pull the rug out from under them, to try to speak to them and see if they're interested in continuing that seat. I know it's not a Supreme Court appointee, I just feel that we should treat our volunteers with respect and dignity.

D.P.O. CARPENTER:

Legislator Cooper.

LEG. COOPER:

I just wanted to respond very briefly to something that Legislator Nowick had said. She spoke very highly of Adrienne Esposito's qualifications, and said that, you know, unfortunately, the only three resolutions before us were for these three appointees. But for those few people in the audience that don't follow •• understand the inside baseball, that's only because my resolution that would have reappointed Adrienne was not allowed out of committee. If it had been voted out of committee, it would have been before us today and we could have considered all these ••

LEG. NOWICK:

I'm not on Environment.

LEG. COOPER:

I understand, and I'm not on Environment either, but, you know, it could have been before us. But, you can't unscramble a scrambled egg. So I don't want to belabor this anymore, but I do hope that through the passage of, hopefully, my resolution, that we be considering •• perhaps at the next meeting, we can find a way to get Adrienne back on this committee.

And I do •• I don't want to take away the love for the environment that may be expressed by any of the other members of CEQ. I don't know most of them. Just as all of us here could say that we're environmentalists and we consider our concern about protecting the environment, that may well be the case with the other members of the CEQ, but it's different. Adrienne Esposito is the only representative on CEQ who's an independent environmental advocate, working with a not•for•profit environmental organization, and I think that's different from a lawyer or an advocate for developers or builders. I think that she just has a different voice and she adds something else to the equation.

D.P.O. CARPENTER:

Thank you.

LEG. COOPER:

Thank you.

D.P.O. CARPENTER:

Legislator Caracciolo, I think you have the final word on this.

LEG. CARACCILOLO:

I would suggest that there are resolutions by the Executive and myself to reorganize or constitute the Planning Commission, the Suffolk County Planning Commission, not the Bi •County; okay? I know, I know, but the point I want to make is in my version •• in my version there is provision for one environmentalist. And I would just keep that in mind if I were in the audience or elsewhere listening to this conversation, that I think the contributions that Adrienne

has made can carry over into other aspects of service to County government, and that might be an ideal one. Just a thought.

D.P.O. CARPENTER:

Thank you.

LEG. COOPER:

Cosponsor.

D.P.O. CARPENTER:

I have a motion and a second. All those in favor? Opposed?

[OPPOSED SAID UNISON BY LEGISLATORS]

D.P.O. CARPENTER:

Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Abstain.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. MYSTAL:

Abstain.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Abstain.

LEG. LINDSAY:

Abstain.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

Ten. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Resolution is approved. ***1724 • Appointing member of the Council on Environmental Quality (John E. Potente).***

LEG. O'LEARY:

Madam Chair, before we get to 1724, I'd like to make a motion to take out of order 1734, which is a CEQ appointment as well. So they're consecutive, being addressed by the full body.

LEG. LINDSAY:

So is this one.

D.P.O. CARPENTER:

So is this one.

LEG. O'LEARY:

I know, but I just want to •• I mean, 24 is before us.

D.P.O. CARPENTER:

Well, when we get •• let's do this one, 24, and then we'll go to the next one, if you want to keep them together.

LEG. O'LEARY:

All right. And I'd like to make a motion to take 1734 out of order.

D.P.O. CARPENTER:

All right. On 1724, a motion by Legislator Kennedy, second by Legislator O'Leary. All those in favor? Opposed? Resolution is approved.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

17 •• we have a motion by Legislator O'Leary to take **1734 (*Appointing member to the Council on Environmental Quality (Jeffrey Lee Snead)*)** out of order. I'll second that. All those in favor? Opposed? Resolution is before us on **1734**.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Motion by Legislator O'Leary.

LEG. LOSQUADRO:

Second.

D.P.O. CARPENTER:

Second by Legislator Losquadro. All those in favor? Opposed?

LEG. LINDSAY:

Opposed.

MR. MONTANO:

Abstain.

LEG. ALDEN:

Do a roll call.

D.P.O. CARPENTER:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Abstain.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Abstain.

LEG. LINDSAY:

Abstain.

LEG. FOLEY:

Yes.

LEG. VILORIA • FISHER:

1734?

MR. BARTON:

1734.

LEG. VILORIA • FISHER:

No.

LEG. BISHOP:

I'll change mine to abstention instead of a no.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

MR. BARTON:

12. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Thank you. It was approved. ***1725 (Authorizing planning steps for acquisition under***

Suffolk County Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Ellgreen Co. Property) Town of Huntington). Authorizing planning steps for the acquisition of the Ellgreen Property. Legislator Binder?

LEG. BINDER:

Motion.

D.P.O. CARPENTER:

Motion.

LEG. ALDEN:

Second.

D.P.O. CARPENTER:

Second by Legislator Alden.

LEG. FOLEY:

Explanation.

D.P.O. CARPENTER:

On the motion.

LEG. BINDER:

You want me to explain?

LEG. MYSTAL:

Yeah.

D.P.O. CARPENTER:

It's planning steps. An explanation has been requested. Does the sponsor wish to address it, or Counsel?

LEG. BINDER:

Sure. We previously had put in a resolution for planning steps for this area under a different

program and it was going to be active use. It's Delea Sod Farms on Elwood Road, basically a very large and very important tract in Western Suffolk to purchase. We've been trying, oh, probably half of my term, about eight years we've been trying to get this. They're not interested in doing active use. They are interested in farmland development. It is an active farm and sod farm. And so I'm asking for an appraisal under that particular program, so we can see specifically under a farmland preservation or farmland development what the appraisal would be and go forward from there. So that's what this is about.

D.P.O. CARPENTER:

Okay. We have a motion and a second. All those in favor? Opposed?

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Resolution is approved. ***1730 • (Making a SEQRA determination in connection with the proposed acquisition of land for open space (preservation purposes known as) Brick Kiln Creek (Gerrato property) Town of Islip).***

LEG. LOSQUADRO:

Motion.

D.P.O. CARPENTER:

Motion by Legislator Losquadro, second by Legislator Alden. All those in favor? Opposed?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Resolution is approved. Same motion, same second on 1732 ••

MS. SULLIVAN:

One.

D.P.O. CARPENTER:

No. What are you doing? I'm sorry. **1731 (Making a SEQRA determination in connection with the proposed improvements to water supply system at Cedar Point County Park, Town of East Hampton).** Same motion, same second, same vote.

Takes us to **1732 (Making a SEQRA determination in connection with the proposed planning and construction phase of the improvements to Police Headquarters, CP #3122 Yaphank, Town of Brookhaven).**

MR. BARTON:

17. (Not Present: Leg. Tonna).

D.P.O. CARPENTER:

SEQRA determination.

LEG. LOSQUADRO:

Same motion.

D.P.O. CARPENTER:

Same motion, same second, same vote.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

34 was approved. **1742 (Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Capurso property • Town of East Hampton).** Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Motion.

D.P.O. CARPENTER:

Motion to approved, second by Legislator Caracciolo. All those in favor? Opposed?

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Approved. ***(1769 • Authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks, Fund for the Baiting Hollow Realty, LLC property (SCTM No. 0600•039.00•04.00 •006.000 p/o, (Town of Riverhead).*** Authorizing the acquisition of farmland development rights for Baiting Hollow Realty Property. Is there a motion?

LEG. CARACCILOLO:

Motion. Cosponsor, Henry.

LEG. SCHNEIDERMAN:

Second.

D.P.O. CARPENTER:

Motion and cosponsor, Legislator Caracciolo, second by Legislator Schneiderman. All those in favor? Opposed? Resolution is approved.

MR. BARTON:

17. (Not Present: Leg. Tonna).

D.P.O. CARPENTER:

1770 (Authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program • Open Space • for the 96 Meadow Lane, LLC parcel • (Amsterdam Beach • Town of East Hampton) (SCTM No. 0300•021.00•02.00 •024.015). Acquisition of open space for the Meadow Lane parcel.

LEG. SCHNEIDERMAN:

Motion.

D.P.O. CARPENTER:

That's Amsterdam Beach. We heard a number of speakers on that this morning. Legislator

Schneiderman makes the motion, second by Legislator Losquadro.

LEG. LINDSAY:

On the motion.

D.P.O. CARPENTER:

On the motion, Legislator Lindsay.

LEG. LINDSAY:

I'm not opposed to it, but I understand this is a very expensive acquisition. Maybe we should just hear the numbers again. Somebody have the numbers?

D.P.O. CARPENTER:

Counsel, please.

MS. KNAPP:

This is •• this 122.8 acres, a total purchase price of \$16,500,000. The County's share is \$5,500,000. The Town of East Hampton is 7 million, and New York State Parks, 4 million.

LEG. SCHNEIDERMAN:

It may not be in the resolution, but of the 7 million that the Town is contributing, one mill of that is through a federal grant.

LEG. ALDEN:

On the motion.

D.P.O. CARPENTER:

On the motion, Legislator Alden. Are you done, Legislator Lindsay?

LEG. LINDSAY:

Yeah.

D.P.O. CARPENTER:

Legislator Alden.

LEG. ALDEN:

Just so I can feel comfortable and this isn't another Shadmoor, how much of this property can be developed and how much can't be developed? Was that ascertained in committee?

LEG. SCHNEIDERMAN:

The property does front on the Atlantic Ocean. There are setbacks from the ocean. There are wetlands on this property, fairly extensive, but the property does have significant development potential as well. How many houses can get developed, I couldn't tell you exactly. It would have to go through the full Planning Board review to determine that, but you could see some have large houses here, the loss of public access. You know, property in my district is expensive. It doesn't mean it's not worthy of preservation. And there's a certain point to be made about public access and putting together a large block of open space. And Bill Akin from Concerned Citizens of Montauk spoke, I thought quite eloquently, earlier about what we're doing in this area between the State, the County and the Town in creating something for future generations that's very special.

LEG. ALDEN:

All right. So in the committee it was established if there was development pressure on the property?

LEG. SCHNEIDERMAN:

Yes. There's been applications that had been put forth before the Town Building Department toward developing it. I don't know if there is anything currently pending to develop it.

LEG. ALDEN:

And it's not similar to Shadmoor in that Shadmoor, I believe, 86 or 87% of the property could not be developed and ••

LEG. SCHNEIDERMAN:

You may be talking to the wrong person. I'm a strong supporter of that Shadmoor acquisition.

LEG. ALDEN:

No, no, no, I'm talking to the right person, if, you know ••

LEG. SCHNEIDERMAN:

You know, Shadmoor originally could have had 60 houses. The Town up•zoned it so it could only have 20. The developer came in with four. He could have built 20, but they were large estates, and we would have lost access to one of the most incredible places in New York State or in the country. So, you know, you don't want to put one house on the edge of the Grand Canyon, it wouldn't make sense.

LEG. ALDEN:

Well, actually ••

LEG. SCHNEIDERMAN:

So, if you're going to just count numbers of houses, I think you're looking at it the wrong way, personally.

LEG. ALDEN:

But, Jay, actually, to put one house on the edge of the Grand Canyon and if they were going to pick up the taxes on the whole piece of property and allow public access to it, I think I would go along with that. And, unfortunately, some of the testimony we heard on Shadmoor indicated that 86 or 87% of the property, that was right from day one, they couldn't develop 86 or 87% of the property. So, if they'd have built four houses or 20 houses, they were going to pick up the entire tab on all that tax, and there would have been public access to the beaches, anyway, so ••

LEG. SCHNEIDERMAN:

The Shadmoor development did not include public access to those cliffs, and we would have lost public ••

LEG. ALDEN:

The top of the cliffs, right, but the beaches ••

D.P.O. CARPENTER:

Excuse me, gentlemen. I think we're ••

LEG. SCHNEIDERMAN:

But we're debating the wrong property right now.

D.P.O. CARPENTER:

We're debating Amsterdam Beach.

LEG. ALDEN:

No, I'm just •• I'm trying to establish whether there was any type of pressure on this to be developed, and also what the tax implication is. If we're •• if we're going to preserve a piece of property that they could only build one house on, I'm not so sure that we should be, you know, investing the public's money in that, so I want to be convinced that this is a legitimate type of investment.

LEG. SCHNEIDERMAN:

You're entitled to your opinions. I feel this is completely legitimate.

D.P.O. CARPENTER:

Let's not debate this. Legislator Alden has the time •• had the floor. Are you finished?

LEG. ALDEN:

Well, no, it is a debate. That's exactly what I need an answer for. Was that established in the committee?

D.P.O. CARPENTER:

Through the Chair. Well, we have •• I'd ask the Chairman of the committee to respond.

LEG. LOSQUADRO:

Without divulging too much in terms of the confidentiality of the •• held in the Environmental Trust Review Board, sitting as a member of that board, as does Legislator Foley and Legislator Schneiderman, it was clearly established that this is •• there were buildable plots. We vetted out these questions very thoroughly in the Environmental Trust Review Board, as is the function of that board. And I can tell you, as Chairman of the Committee and as a member of that board, I'm completely and entirely satisfied with the terms of this purchase, and I think it is a wonderful acquisition, a wonderful opportunity for Suffolk County. And, yes, I do believe that

given the opportunity, someone would develop this parcel.

And, in fact, contrary •• it's almost counterintuitive thinking about the way that the rest of development has gone, when on the eastern end of the Island there, especially within some of the far eastern areas of Legislator Schneiderman's district, the highest and best usage is not high density. To do a single large estate on some of these parcels fetches far more money because of the exclusivity of the site, even if a large portion of it is undevelopable.

LEG. ALDEN:

Then I just have one other question. What's the name of the review board that you sit as Chairman of?

LEG. LOSQUADRO:

It's the Environmental •• I'm not the Chairman of the Environmental Trust Review Board.

LEG. ALDEN:

Okay. You sit on it, though, right?

LEG. LOSQUADRO:

Yes.

LEG. ALDEN:

Okay. Dan, why is that •• you don't do verbatim minutes and it's the •• the goings on in that committee?

LEG. LOSQUADRO:

We were in executive session, because we discussed ••

LEG. ALDEN:

Oh, I'm sorry. Okay. No. Then you answered my question. Normally you're on the record ••

LEG. LOSQUADRO:

Yeah.

LEG. ALDEN:

•• then you went into executive session on it?

LEG. LOSQUADRO:

Executive session we discuss ••

LEG. ALDEN:

Okay, that answers it ••

LEG. LOSQUADRO:

•• you know, the negotiations and the prices that Suffolk County is going to be paying.

LEG. ALDEN:

That answered it.

LEG. LOSQUADRO:

The reason that it was created is to eliminate the type of things that •• you know, the improprieties that many of people allege in the past, that prices were being artificially driven up because these values were made public.

D.P.O. CARPENTER:

Thank you very much. Legislator Caracciolo.

LEG. CARACCILOLO:

As I recall, this first came to light by virtue of an announcement now to the Town of East Hampton and the Governor's Office that the Town and State were purchasing this property, and then the County became a partner. And, if you look at the resolution, the County's share is more than the State's share, and I believe the Town's share is about a third. So we're about a 42% partner here and the Town, I believe, is a third, and the State's a 24% partner.

But to your question of buildable lots and the like, that is something that should be discussed in the committee. And certainly not at the committee •• we have always had in this legislative auditorium on a session day representatives from the Division of Real Estate and/or the Planning Department. That hasn't happened here in many, many, many months. And I would

encourage the Chair of the EPA Committee to make a request, a standing request, that they be present for those Legislators who don't sit on EPA or ETRB, so that they could respond to these very straightforward and important questions.

D.P.O. CARPENTER:

Very valid point. Legislator Foley.

LEG. FOLEY:

The point was made by Legislator Losquadro.

D.P.O. CARPENTER:

Okay. Legislator Lindsay.

LEG. LINDSAY:

What I was going to say is I understand that Tom Isles is in the building, if ••

LEG. CARACCILOLO:

Is he?

LEG. LINDSAY:

•• you'd like to hear from him about this acquisition.

MR. ZWIRN:

Madam Chair.

D.P.O. CARPENTER:

Legislator •• I mean Ben. I'm sorry.

MR. ZWIRN:

Thank you.

LEG. ALDEN:

Elvis has left the building, too.

MR. ZWIRN:

The Planning Commissioner was here, Tom Isles was here this morning and spoke on this matter at the public session.

LEG. CARACCILOLO:

Yeah, but he's not here for Q and A.

MR. ZWIRN:

No. But, if you want, I will •• I will reach out to him and have him come over, if you want to pass over this now and come back. I'm sure he's ••

LEG. CARACCILOLO:

It's up to Cameron. It's up to you.

D.P.O. CARPENTER:

Well, are there questions that Legislators feel that they want to ask of the Planning Commissioner, because we did •• we were in the middle of a vote here. If you want it, I'll ••

LEG. ALDEN:

I don't think we were in the middle of a vote, I think we hadn't called the vote yet. But, in the future, I would really think it would be very necessary to have him here. But I'm satisfied with Legislator Losquadro and Legislator Schneiderman's comments on it, so.

D.P.O. CARPENTER:

Okay. Legislator Lindsay.

LEG. LINDSAY:

Yeah, I'm sorry. The other question that I had, as you mentioned public access, maybe to the sponsor, is all County residents going to have the ability to access this property? Sponsor?

LEG. SCHNEIDERMAN:

I'm sorry, I missed the question.

D.P.O. CARPENTER:

No. Sponsor.

LEG. LINDSAY:

I thought you spoke as a sponsor.

D.P.O. CARPENTER:

Come back, Ben.

LEG. SCHNEIDERMAN:

Well, the question ••

MR. ZWIRN:

I'm back.

LEG. LINDSAY:

Well, no. Let Legislator Schneiderman ••

LEG. SCHNEIDERMAN:

Will there be public access ••

LEG. LINDSAY:

Yeah.

LEG. SCHNEIDERMAN:

•• is the question?

LEG. LINDSAY:

Yeah.

LEG. SCHNEIDERMAN:

Yeah. This is not the kind of property you want to see intense public use, it's very fragile. This is one that you really want to preserve for nature's sake. But there are •• let me finish.

D.P.O. CARPENTER:

You have to tip•toe barefoot.

LEG. SCHNEIDERMAN:

I would not personally like to see a major road cut through this and big parking lots. But with Shadmoor what we did was we created a parking area.

LEG. CARACCILOLO:

No. This property, public access, yes or no? That's the question.

LEG. SCHNEIDERMAN:

Of course there's public access. The question is to what level of public access, that's all I'm saying. Of course you're going to have public access, it's a park.

D.P.O. CARPENTER:

Okay. Thank you.

LEG. SCHNEIDERMAN:

But it does have fragile wetlands and vegetation on it.

LEG. LINDSAY:

But there's ocean front property, and all I want to know, is the citizens ••

LEG. SCHNEIDERMAN:

You will be able to access the beach. Will you be able to drive right down to the beach?
Probably not.

LEG. CARACCILOLO:

Can you swim in the beach?

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

If you can get there.

LEG. LINDSAY:

If you can get there.

LEG. VILORIA • FISHER:

Can you swim?

LEG. SCHNEIDERMAN:

Can I swim? Pretty good.

D.P.O. CARPENTER:

Who was on the list? Legislator Alden had another question.

LEG. ALDEN:

Ben.

MR. ZWIRN:

Yes.

LEG. ALDEN:

While you're up there. This is a County Executive's resolution. Isn't this going to be restricted property?

MR. ZWIRN:

In what •• in what manner? It's not going to be an active park, it's not going to be ballfields and things like that, but it's going to be a ••

D.P.O. CARPENTER:

It's open space.

LEG. ALDEN:

This is not going to be active parkland either.

D.P.O. CARPENTER:

No, it's open space.

MR. ZWIRN:

It's open space. It's a nature preserve, I mean, but the public will have access to •• every Suffolk County resident and beyond will have access to this.

LEG. MYSTAL:

I think we could put a black kid from Wyandanch there.

MR. ZWIRN:

And they would be welcome.

LEG. MYSTAL:

Oh, yeah.

MR. ZWIRN:

No, that's ••

LEG. ALDEN:

Ben. Ben, one other question, then. What access to the beach •• what access do you have to the beaches? Is it from the existing parcels that are owned on each side of this, or is it going to be directly through this property?

MR. ZWIRN:

I don't know how it's going to be completely laid out, but there will be access through the property itself and through adjoining land, or you can walk along the beach.

LEG. ALDEN:

It's not planned to put this in a preserve?

MR. ZWIRN:

It's going to be a nature preserve, but there still will be access for the public. And it's not going to be gated off, it's not going to be walled off, it's •• the vistas will be there, the open space will be there, and the public will have access to it.

D.P.O. CARPENTER:

Thank you very much. We have a motion and a second. All those in favor? Opposed?
Resolution is approved.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1771 (Authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program • Open Space • for the Dovale Enterprises, Inc. Property • Mud Creek (Town of Brookhaven) (SCTM No. 0200•973.60•04.00•009.000). Authorizing acquisition of open space for the Dovale Enterprises property.

LEG. FOLEY:

Motion.

D.P.O. CARPENTER:

Motion by Legislator Foley, second by Legislator O'Leary.

LEG. CARACCIOLO:

Explanation.

D.P.O. CARPENTER:

On the motion.

LEG. FOLEY:

This is no more than a quarter of an acre, but it's part of a number of acquisitions we've made over a period of years where we're, you know, collecting an inventory of properties at the headwaters of Mud Creek. So we're adding to it.

LEG. CARACCIOLO:

Brian, I'm familiar with it.

LEG. FOLEY:

Thank you. In and of itself, it's very small, but over a period of years, we have been acquiring

different parcels of property in the area, and this is just adding to that inventory.

D.P.O. CARPENTER:

Okay. All righty. We have a motion and a second. All those in favor? Opposed?

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Resolution is approved. Thank you. **1577 • To ensure the safety and protection of participants in youth organizations (within Suffolk County).** Legislator O'Leary?

LEG. O'LEARY:

Motion.

D.P.O. CARPENTER:

Motion, second by Legislator Nowick. All those in favor?

LEG. VILORIA • FISHER:

On the motion. I have a question.

D.P.O. CARPENTER:

On the motion, there's a question. Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

It's a question, if I may, through the Chair, to Legislator O'Leary. There have been some not •for•profits who said that they •• this would be onerous on them. Have you spoken with them, and what's the determination of that?

LEG. O'LEARY:

Yeah, we've addressed their concerns, Legislator Fisher, and have amended the resolution to include language, primary purpose, which suited their needs. So, in other words, the language, primary purpose of •• for participants in youth organizations. It wasn't necessarily this particular resolution that they had objections to and concerns, it was the next one, 1585, where there was a fingerprinting.

LEG. VILORIA • FISHER:

Right, right.

LEG. O'LEARY:

Yeah. So it's not necessarily 1577 that they addressed concerns about, but 1585, the next resolution, is where there was an amendment addressing their concerns about the primary purpose being dealing with children who are a victim of sexual abuse.

LEG. VILORIA • FISHER:

Thank you. That answers my question.

D.P.O. CARPENTER:

Very good. We have a motion and a second. All those in favor? Opposed?

MR. BARTON:

17. (Not Present: Leg. Tonna).

D.P.O. CARPENTER:

Approved. ***1585 (A Local Law to require screening of employees of agencies providing hot •line services to children who are victims of sexual abuse).***

LEG. O'LEARY:

Motion.

LEG. CARACCILOLO:

Second.

D.P.O. CARPENTER:

Motion by Legislator O'Leary, second by Legislator Caracciolo. All those in favor? Opposed?

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Approved.

P.O. CARACAPPA:

Cosponsor.

D.P.O. CARPENTER:

Cosponsor, Presiding Officer, on this resolution, Henry.

LEG. MYSTAL:

Cosponsor on 1738 when it comes up.

D.P.O. CARPENTER:

1738 • A Local Law to protect the health of Suffolk County residents (by requiring defibrillators in nursing homes). Motion by Legislator Nowick, second by Legislator Binder.

All those in favor? Opposed?

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Approved. ***1740 • Creating the Suffolk County Swimming Pool Safety Task Force.***

Legislator Losquadro.

LEG. LOSQUADRO:

Motion to approve.

LEG. KENNEDY:

Second.

D.P.O. CARPENTER:

Second by Legislator Caracappa. All those in favor? Opposed?

MR. BARTON:

17. (Not Present: Leg. Tonna).

D.P.O. CARPENTER:

Approved.

LEG. COOPER:

Cosponsor, Henry.

D.P.O. CARPENTER:

1766. 1766 (Amending the Adopted 2005 Capital Budget and Program and appropriating the 2005 Pay•As•You•Go funds in connection with the purchase of equipment for Health Centers (CP 4055)). Amending the Capital Budget and Program for Pay•As•You•Go for the purchase of equipment for health centers.

LEG. LINDSAY:

On that issue.

D.P.O. CARPENTER:

On the motion, Legislator Lindsay.

LEG. LINDSAY:

Yeah, I •• forgive me, I'm just looking at the resolution now. My question was, I know we had some incidents in one of the health centers with a robbery and stuff. Is any of this for security measures?

LEG. MYSTAL:

No.

LEG. LINDSAY:

No?

LEG. MYSTAL:

This is equipment.

LEG. LINDSAY:

There should be. Oh, this is the digital mammography unit?

LEG. VILORIA • FISHER:

Digital mammography.

LEG. LINDSAY:

Oh, okay.

LEG. FOLEY:

It's digital mammography. There was •• if I may, through the Chair.

D.P.O. CARPENTER:

Certainly.

LEG. FOLEY:

There was to be an amendment made to this from committee. We wanted to get it out of committee. Mr. Zwirn, were there any amendments that were made to it?

MR. ZWIRN:

Legislator Foley, there wasn't •• it wasn't necessary. We spoke with Budget Review Office. The resolution is in proper order. The money is in the correct amount. We spoke with the Director of BRO about this prior to coming in today. I had an opportunity to just mention it to Legislator Lindsay before you came in, because I know you had another resolution that was ••

LEG. FOLEY:

A similar bill.

MR. ZWIRN:

•• a similar bill.

LEG. FOLEY:

Right.

MR. ZWIRN:

The money is right. I believe we've got it all worked out, so this one can be voted on. And I know that I think there were other people who wanted to cosponsor this. We were going to ••

LEG. FOLEY:

Yes.

MR. ZWIRN:

We were prepared to do a CN on this one, but we didn't •• we found it wasn't necessary.

LEG. FOLEY:

All right. If I could, through the Chair.

D.P.O. CARPENTER:

Go ahead.

LEG. FOLEY:

Thank you. To Budget Review Office. At the committee meeting, you had alerted the committee to a concern that the monies would be •• we'd be appropriating monies that would otherwise have been used for other equipment that was going to •• that would be purchased by other health centers. Now we're hearing Mr. Zwirn say that that's no longer a concern. Why is that no longer a concern?

MS. VIZZINI:

I was contacted by the Budget Office, and I guess the problem arose because there is a very minimal amount of detail attached to the resolution, which is a departure from previous submissions.

LEG. FOLEY:

Right.

MS. VIZZINI:

But, according to the Budget Office, and that •• in this particular capital project, there are previous appropriations of approximately \$829,000 that have not been expended.

LEG. FOLEY:

Okay.

MS. VIZZINI:

So the plan is to offset the total cost of the digital mammography unit, which is roughly about \$475,000 ••

LEG. FOLEY:

Yes.

MS. VIZZINI:

•• with the 350 being appropriated here, and previous appropriations. And in the event that additional equipment is needed, customary tables and other replacement equipment that is normally purchased through 4055, they were looking to do it through these •• the unexpended balance.

LEG. FOLEY:

Okay. And you're ••

MS. VIZZINI:

I'm okay with it.

LEG. FOLEY:

•• okay with that? Okay. So, Mr. Chairman, then I'm going to be •• I tabled my resolution that was in committee, cosponsored by Legislators Losquadro and Caracciolo, with the expectation that it would be amended today. It doesn't seem to be •• need to be an amended Executive's bill, going on as a cosponsor to it, as well as others. But we hope, also, that the other equipment that the other health centers need, that the administration will move forward with purchasing the other equipment, which is also very important.

MR. ZWIRN:

And the money's there for that.

LEG. FOLEY:

Yes. Okay. Thank you.

LEG. VILORIA • FISHER:

Cosponsor.

LEG. LOSQUADRO:

Cosponsor.

MR. ZWIRN:

Everybody, yeah.

D.P.O. CARPENTER:

We have a motion and a second. All those favor? Opposed? Resolution is approved.

MR. BARTON:

No, I don't, Madam Chair. The motion and the second, I don't have them.

D.P.O. CARPENTER:

Motion was Legislator Foley, second by Legislator Losquadro.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Again •• all right. Thank you. Okay. That was 1766.

LEG. LINDSAY:

Cosponsor on that, Henry.

D.P.O. CARPENTER:

List Legislator Lindsay as a cosponsor, please.

PARKS AND CULTURAL AFFAIRS

It takes us to Parks and Cultural Affairs. **1640 • To establish Community and Youth Services Program for Suffolk County Residents and the Boys and Girls Club of Suffolk**

County, Inc., at Sheep Pasture Road in Port Jefferson (Setauket, New York).

LEG. VILORIA • FISHER:

Motion.

D.P.O. CARPENTER:

Setauket. Motion by Legislator Fisher. Is there a second?

LEG. FOLEY:

Second.

D.P.O. CARPENTER:

Second by Legislator Foley.

LEG. ALDEN:

On the motion.

D.P.O. CARPENTER:

On the motion, Legislator Alden.

LEG. ALDEN:

I could be real brief on this, but depending on the answer to the first question. It was indicated to me that if we do approve this, the license agreement has to come back to the Legislature for approval; is that a correct statement or incorrect statement?

MS. KNAPP:

My recollection is that that is not an accurate statement. Let me just double check, though. The terms are spelled out in this, I believe. The County Executive is authorized to enter into a license agreement with the approval of the Department of Law. No, there's no •• I don't believe there was a representation that this was coming back to the Legislature.

LEG. ALDEN:

Okay. So, if we approve this today, then it's •• and it's very sketchy as far as the terms, but

it's a ten•year license agreement with two five•year extensions, and now that's been changed so the five•year extensions are not at the discretion of the Boys and Girls Club, it's at the discretion of the Department of Parks or actually Suffolk County, because it would be an Executive function.

MS. KNAPP:

An initial period of ten years, and you are correct, that there is an option for two further periods of up to five years each, and that is the option of the County.

LEG. ALDEN:

Okay. I've had on a couple of occasions some discussions with Mr. Brown, who did the •• I think he did one of the initial presentations on this proposal, and that was a couple of years ago, but there's a couple of things that concern me here. The length of time, I don't like the 10 year. And I know that it was presented that they would have trouble fund•raising and things like that, but, unfortunately, this resolution doesn't •• doesn't include any kind of language that's going to be included in the license agreement that would indicate that they have "X" number of years to fund•raise, they have "X" number of years to build. So all those terms are lacking from what we're approving today.

I like the concept, that it's a zero cost to the County. Actually, though, that's a misstatement on my part, because the County could take this property and sell it off and a developer could build whatever number of houses on, so there's a lost opportunity cost. So that's not a technically correct statement on my part. But it's almost a zero cost. The development of the property is going to be a zero cost to the County. We're going to end up with some ballfields, we're going to end up with some bathrooms. So I like that whole concept and I wish I could vote for it, except that, you know, we are not seeing any of the terms. We don't know what the schedule is for fund•raising, we don't know what the schedule is for construction, and I don't like the ten•year license agreement. The precedent has been for a shorter period of time.

Right down the street from here, Hauppauge Youth, they put a considerable amount of money into their ballfields. That was a license agreement for five years. There's been other license agreements in Suffolk County, they've all been for a short duration. And that ends up in a little bit of a question of trust. If we're going to do something like this and allow the Boys and Girls to go and develop the property and then run it for us, we've got to trust them and they've got to trust us. So, their argument, and I didn't really buy it 100% that they needed ten years, I

think the trust has to go both ways.

Then there is something that I didn't really realize until the committee meeting, and I was told that there was going to be fees charged for use of the fields, and those fees would be collected by the Boys and Girls Club. And I'm abbreviating the name and I apologize if anybody takes offense for that, but just for brevity, we'll just go that route.

Now, those terms haven't been established. I just think it's incumbent upon us to have a lot more terms, a lot more fleshed out before we go and vote on an approval. If this was an approval of the concept to enter into a contract or enter into a license agreement with the Boys and Girls Club, I'm a hundred percent for that. I would like to see those terms, and I would also, you know, along with the caveat that not a ten•year, but a five•year term on that. And I would like to see the other two things that I just mentioned, their fund•raising schedule, and all also their construction schedule.

D.P.O. CARPENTER:

Thank you. Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Thank you, Madam Chair. My staff gave you a folder which contains three previous resolutions. There have been many more, but we didn't want to burden you with all of that paper. In 2002, there was a resolution introduced by myself and Legislator Caracappa, and at that time, the lease, it was going to be a lease, and it was going to be for up to 20 years, with 10•year renewal periods. We have revisited this project •• the other resolution, before I go on, the other resolutions, are from 1986 to •• and one from 1987, introduced by Legislator •• then Legislator Englebright.

This is a piece of property in my district, which is the kind of apex where several •• an intersection of several school districts, the Comsewogue School District, Middle Country School District actually has •• also uses it, Port Jeff School District, and the Three Village School District. It is a piece of property that has lane fallow for 30 years. It has been •• it was abused by sand mining, whereas we have spent a great deal of money to acquire active Greenways properties, we do not have to expend any taxpayer money to acquire this piece of property. It was acquired through tax default. That's the first point.

The second being that this morning there was representation by Mr. Costell, who is the President of the Board of the Boys and Girls Club, that their plans will exceed 2 million dollars and run close to 3 million dollars. They have already done the fund •raising for this project. They're awaiting approval of this resolution to complete the licensing discussions with the County Attorney's Office in order to move forward with the project.

We have a critical moment right now in our districts. The three Village School District does not have room on their athletic fields for our Little League. The Comsewogue School District, which is adjoining, also has the Terryville Baseball, which needs fields on which to play. This is a matter of serving our young people and providing a much needed field on which they can play without buying property on the part of the County.

There is a great deal of remediation that has to be done on this property. As Mr. Costell represented this morning, there are 40 foot deep excavations where sand mining had been done.

This is a very reputable organization. Their fiscal books are in order. The resolution stipulates that this •• these fields must be available to all Suffolk County residents. It also stipulates that the license agreement will be revisited by the County and can be rescinded by the County if the Boys and Girls Club is not holding up their part of the bargain.

I ask you to please support this resolution. It's very important to the children of my district and to the children of the districts of some of my colleagues who adjoin my district. Thank you.

D.P.O. CARPENTER:

Thank you. Legislator Alden.

LEG. SCHNEIDERMAN:

Madam Chair.

LEG. ALDEN:

As long as the point was raised, then how much cash do they have on hand?

LEG. VILORIA • FISHER:

I don't have that with me. They were here this morning. I'm sorry, I don't have it with me.

LEG. ALDEN:

Because their testimony at the committee was basically the opposite of that. They needed a long-term commitment from us, so that they could go out and raise the cash. So, if you're saying they have the cash on the books, that eliminates a lot of problems that I have with the deal, too. So, do they have a cash •• huge cash balance?

LEG. VILORIA • FISHER:

What they represented in the committee was that they are •• they're a not-for-profit who raise money from the private sector from the public. And they need to continue to raise money, because they will have the maintenance and operation and the programmatic expenditures that will continue to go on as they move forward. They have to •• they have to go back to the people who have made commitments to them, including •• when I left here after our committees. I happened to be at a fire department meeting when I ran into Senator Ken LaValle, who has given grants for them to go forward with this program, and to Senator Flanagan, who has also provided grants for them to move forward with this. They have the money to move forward with this, but they need to show all of their benefactors that they have the support of the Legislature in this, and that they have •• they can't get a five-year license when it's going to take them three years to complete the project.

LEG. ALDEN:

Now, there's two different things you mentioned. So they have State grants that they actually gave them the money, so they have the money from the State grants, which is how •• like a million dollars, a half a million?

LEG. VILORIA • FISHER:

I don't have their numbers.

LEG. ALDEN:

No, that's the problem.

LEG. VILORIA • FISHER:

The County Attorney is working with them.

LEG. ALDEN:

Well, I don't have them either, but in the •• is anybody from the County •• through the Chair.

D.P.O. CARPENTER:

If I could, does Budget Review have any access to this information that Legislator Alden is asking about?

MS. VIZZINI:

I'm sorry, Legislator Alden.

LEG. ALDEN:

That's okay, I'll repeat it.

MS. VIZZINI:

What is the question?

LEG. ALDEN:

Senator LaValle and Senator Flanagan gave them money. How much cash do they have of that left? Well, I don't know if they gave them money. That's what was just represented.

D.P.O. CARPENTER:

But we don't even know if Budget Review has that information.

LEG. ALDEN:

How much cash do they have in •• like what are they showing on their balance sheet?

LEG. LINDSAY:

I may have some institutional memory here.

P.O. CARACAPPA:

This is not one of the •• you just review organizations that do agreements through Active Parkland and Greenways, right?

MS. VIZZINI:

Yes.

P.O. CARACAPPA:

Not in this instance. Did you review their financials is what Cameron's asking.

LEG. ALDEN:

If you didn't, I apologize for asking, but, you know ••

MS. KNAPP:

I believe that, Legislator Alden, that Budget Review has the ability to review the finances of not •for•profit organizations, community organizations when they propose to be the County's partner in the acquisition under either Greenways or SOS. I think those are the specific instances.

LEG. ALDEN:

So they basically don't have the information then now from this.

MS. KNAPP:

They may have it through some other source, but I don't think that they have the statutory responsibility.

LEG. ALDEN:

I apologize for asking, because, obviously, you don't have the numbers. So, through the Chair, if somebody is here from the County Attorney's Office that might have those numbers, if they're working on it.

D.P.O. CARPENTER:

Legislator Alden, if everyone •• because we have a list here, but Legislator Lindsay feels he might be able to help.

LEG. ALDEN:

Sure.

D.P.O. CARPENTER:

If you want to respond.

LEG. LINDSAY:

And the sponsor can correct me if I'm wrong, but this group of people made a full presentation to us probably two years ago ••

LEG. ALDEN:

I was there.

LEG. LINDSAY:

•• when we went forward with the initial steps. At that time, they had •• I remember distinctly. I don't know what the hell I did with it, but it was a full business plan where they were going to raise money from whatever. And the whole thing, even today, they have commitments from people, as I recall, for money, but it's like the chicken or the egg. They have to produce the licensing agreement to get I think even the State grants. I don't think they really have the State grants in hand until they have the licensing agreement.

LEG. ALDEN:

But that would be a little bit two•faced of the State to say that, you know, we're only going to give them a five•year license agreement, so they're going to hold back the money, and I don't believe that those are the strings that they'll put on.

LEG. LINDSAY:

No, I don't think the term was in the •• but I think what a lot of their potential donors, both public and private, wanted to see is the licensing agreement, that they have use of the property before they come forward with the cash.

LEG. ALDEN:

And, through the Chair, Bill, do you remember ••

LEG. LINDSAY:

That's logical.

LEG. ALDEN:

Absolutely. From that original presentation, they were building a larger clubhouse. Now it's reduced to more like bathrooms and a concession stand, right?

LEG. LINDSAY:

Right.

LEG. ALDEN:

Okay. And I remember that, you know, like there was a different schedule for fund-raising and a different schedule for construction than would be on something like this. That's all I'm •• I'm remembering that from two years ago, and the presentation last week in committee was a little bit different than that.

LEG. LINDSAY:

Well, I'm not sure why, and I don't mean to not go through the Chair, but why it's taking this long to get to us for the licensing agreement. This has been dragging on for awhile.

LEG. ALDEN:

Well, there's a lawsuit. Number one, we couldn't develop the property, and that's one of the other questions I wanted to ask. Under that lawsuit, the prior owners of the property sued us to get the ••

LEG. LINDSAY:

I don't remember that.

LEG. ALDEN:

They wanted the property back so they could develop it.

D.P.O. CARPENTER:

And then, also, it was hung up in CEQ for quite awhile.

LEG. ALDEN:

So, those were two big delays. But if somebody •• if somebody can reassure me, and then I'd be more than happy to vote on this, because I like the concept. As far as their scheduling for

fund-raising and their scheduling for construction, that all that has to fit in in a ten-year agreement, because I don't see any reason why it couldn't fit in a five-year, and where the cash is, their cash balance is today.

D.P.O. CARPENTER:

Okay. Back to the list, Legislator Kennedy.

LEG. ALDEN:

Put me on the list, then, please.

LEG. KENNEDY:

Thank you. I ••

LEG. SCHNEIDERMAN:

I'm on the list.

LEG. KENNEDY:

I have a couple of questions about the proposal, I guess, just from more along a pragmatic line. I also am concerned, too, about the fact that it ultimately could be a 20-year duration. But I wonder how any vendor is going to go ahead and fill 40-foot holes and what they're going to do it with, whether it's clean fill or to what extent that's going to occur. The license agreement, also I'm concerned to what extent that the County would be indemnified and held harmless because of such an involved project, if you will, to go ahead and fill such a massive excavation. Obviously, we would have through license agreement again, and I'm kind of saying this out loud, I know we don't have a representative from the County Attorney's Office, but ••

LEG. ALDEN:

There is a representative there. And I asked for a question to be answered, but, obviously, the Chair's not going to do that.

D.P.O. CARPENTER:

Cameron, don't bitch.

LEG. ALDEN:

I asked a question and you cut me off. What do you want me to say?

D.P.O. CARPENTER:

Excuse me, Legislator Alden, you don't have the floor right now, Legislator Kennedy does. But to address your comment, I had asked •• Legislator Lindsay thought perhaps he could answer your question, and that was why he did. She went and sat down. Legislator Kennedy has the floor. Now, go ahead, Legislator Kennedy.

LEG. KENNEDY:

Okay. I •• again, I would just ask about the automatic reverter for the fixtures and improvements. I would ask about the tax default status of the property. And the one other thing that I would raise, too, talking about •• we spent so much time this afternoon talking about SEQRA and environmental concerns and things like that. I know that Lawrence Aviation is a property that's proximate to this area, and, as a matter of fact, is a superfund site. So, I'm just concerned that there would be •• but I was not on that committee, so I didn't have the benefit of hearing any of that. I guess that's the concerns that I would raise and just wonder if they've been addressed.

D.P.O. CARPENTER:

Does anyone have an answer to that question?

LEG. VILORIA • FISHER:

About the superfund site?

LEG. LINDSAY:

It went through SEQRA review.

LEG. VILORIA • FISHER:

It's gone through SEQRA, it's been at CEQ.

LEG. KENNEDY:

There's been no plume movage, nothing along those lines?

LEG. VILORIA • FISHER:

No. Actually, and I was there •• I'm sorry, John. I was there with federal representatives of

the federal government and the State when there was another project that was being contemplated by the Catholic Church. There was a senior development going up there, and the super •• the plume doesn't go in the direction of where the Boys and Girls Club is, and it's not •

- it's certainly not in the affected area of the superfund site.

LEG. KENNEDY:

And just one last follow•up, then, if I could ask. When I flipped through the folder that you just distributed, and I don't recall with the present resolution, the last resolution from 2002 talked about six acres. It appears this is a 38•acre site. Is Boys and Girls Club proposing that it occupy all 38 acres?

LEG. VILORIA•FISHER:

No, not all •• the six•acre site that was cited in the 2002 resolution was for a 35,000 square foot building, which is why the County was committed to 20 years. The reason there have been delays since 2002 is because the project that •• there was a companion resolution at that time. As I said, I didn't put in all the resolutions here that were •• that have been before us. The companion resolution was for the field on the other 30 acres. And the six acres that was referred to in that resolution was only the general municipal use portion. Since that time, the plan has been scaled back considerably, so that the building now that will be •• in which the Boys and Girls Club will be involved will only be rest rooms and a storage area, and the rest of their plan consists of fields. I believe that that's in the attachment that I gave you. If not, I can distribute that to you.

LEG. KENNEDY:

Are they going to take it back to ground level, though? In other words, they're going to go ahead and fill in 40 feet worth of hole?

LEG. VILORIA•FISHER:

They're going to be working with some of the topography, but they do have to do quite a bit of fill•in and that's going to be an expenditure.

LEG. KENNEDY:

Okay. Thank you.

MS. CAPUTI:

Madam Chairwoman, I could answer a couple of things that have been raised, if you ••

LEG. VILORIA • FISHER:

Oh, I'm sorry.

D.P.O. CARPENTER:

Counsel.

LEG. VILORIA • FISHER:

They're not bringing it back to grade, there will be some grading, but one of the benefits is that it will not be intrusive upon the surrounding areas, because it is •• there is a hollow, you know, and a lot of the fields will be lower than street level.

D.P.O. CARPENTER:

County Attorney's Office is at the table and wants to address.

MS. CAPUTI:

There were a few questions raised that I could shed some light on.

D.P.O. CARPENTER:

Go ahead.

MS. CAPUTI:

First of all, the property could not be sold for development, it was dedicated for parkland use via a County Legislature resolution in 1986. I think it was sponsored by Assemblyman Englebright at the time. We have not been given any numbers by the club. The County Attorney's Office has not been given any numbers by the club. I just wanted to make that clear.

LEG. ALDEN:

Through the Chair, can I take this point by point, if you're answering the questions that I raised?

MS. CAPUTI:

Trying to.

D.P.O. CARPENTER:

Sure, go right ahead.

LEG. ALDEN:

All right. The first thing that you said, that it can't be developed, right?

MS. CAPUTI:

It was dedicated for parkland use.

LEG. ALDEN:

Good. What was the lawsuit that the former owner brought?

MS. CAPUTI:

I'm not aware of any lawsuit, to be honest with you, but that's what the resolution ••

LEG. ALDEN:

To reacquire the property?

MS. CAPUTI:

We took it by tax deed in 1986.

LEG. ALDEN:

And there was no lawsuit?

MS. CAPUTI:

I don't know of any lawsuit.

LEG. ALDEN:

Okay.

MS. CAPUTI:

I don't know of any lawsuit. It could be, but I don't know, I really don't know.

D.P.O. CARPENTER:

Okay. Is there anything else you wanted to add?

MS. CAPUTI:

Just, as I said, we haven't been given any numbers. We've been waiting. We will negotiate a license agreement, if the Legislature approves the resolution. That's it.

D.P.O. CARPENTER:

Okay. And does that license agreement come back to this body?

MS. CAPUTI:

No, it doesn't.

D.P.O. CARPENTER:

Okay. Legislator Kennedy, I think you were done.

LEG. KENNEDY:

Yes. But I guess I would just, if I can follow•up with that point with the County Attorney, and I'll make it very quick.

So, we do not get a chance to see the license agreement. Does the license agreement go ahead? Ordinarily, does a license agreement such as this indemnify and hold harmless the County from any kind of liability, including use and instruction? And does the group have to go ahead and demonstrate some type of bonding ability or something else that means that we will not be liable in any way?

MS. CAPUTI:

We do •• we have a standard license agreement. I don't do those in my office, but I do believe that those are standard clauses in the indemnification. I haven't seen one that would be used in this instance. You know, we have different ones for •• depending on the type of license agreement that it's going to be. But I can certainly relay those requests, and it sounds like it would be something that certainly would be included in the license agreement.

LEG. KENNEDY:

Because this would be outside the normal use of a not•for•profit recreational group. They

would be engaged in heavy construction, as far as rehabilitation, which would be separate and apart from what any of our groups usually entertain.

MS. CAPUTI:

I don't know whether we've done any agreements exactly like this in the past that I could, you know, answer your question.

D.P.O. CARPENTER:

Thank you. Legislator Nowick.

LEG. NOWICK:

Just a few quick questions, and I guess to the sponsor. Legislator Fisher, this is •• you mentioned three school districts that are •• surround this area, but you did say that this is available to all school districts. And is there a priority order in which people can •• school districts can use the field, or is everybody on an even basis here?

LEG. VILORIA • FISHER:

That's something that I suppose would be in the license agreement, but the representation to me by the Boys and Girls Club is that they would be managing everyone on an equal •• on a level playing field.

LEG. NOWICK:

And they will set the fee ••

LEG. VILORIA • FISHER:

The logic, of course, being that people who are geographically closer are going to be the first ones to ask to use the fields.

LEG. NOWICK:

To ask to use the field, but it's first come, first serve. And the Boys and Girls Club will set the fees?

LEG. VILORIA • FISHER:

I think that they're working on setting those fees with the County Attorney's Office.

MS. CAPUTI:

It's subject to the approval of the Parks Commissioner.

LEG. VILORIA • FISHER:

The Commissioner of Parks.

MS. CAPUTI:

Any fees.

LEG. NOWICK:

Okay. And just the fees will go to the Boys and Girls Club, or where do the fees go?

MS. CAPUTI:

No. The fees are going to be turned over to the County, and they are subject to audit by the Department of Parks and Audit and Control.

LEG. NOWICK:

And the insurance liability is with the County and the Boys and Girls Club?

MS. CAPUTI:

Well, practically speaking, if somebody got hurt, they probably would sue both entities, but, you know, the Boys and Girls Club will be required to have insurance.

LEG. NOWICK:

Okay. So what I see here is a piece of property that was dedicated parkland, that is basically a garbage pit, that the Parks Department doesn't have, I guess, enough people to monitor this property, and now we have this organization come in and they would like to put ball fields for an area that's already starving for ball fields. Okay. Thank you.

MS. CAPUTI:

You're welcome.

D.P.O. CARPENTER:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

This has been an interesting discussion. This is a large piece of property. It's 36, 38 thirty •eight acres. Although it's a sand pit, it has a certain value to the County. I don't know what that is, what the appraised value might be. We are turning it over to the Boys and Girls Club under an uncertain agreement, as Cameron, Legislator Alden, has said. I had been under the impression that that agreement, whatever it might be, we'd have a chance to look at.

I think it's a great project, I want to see it move forward. It reminds me a little bit about the Little League problem that we had, and Cameron Alden raised concerns, and we were able to fix that after the fact. And that's all I'm going to ask here is that we move the resolution, but we do come back and later ask that this license agreement, as well as other use agreements that we do, anything on a significant level in terms of County asset ought to come back to this Legislature for final approval, because we don't know what we're actually going to get. And we know what we're giving away, but I think it's important to know what we're getting as well.

D.P.O. CARPENTER:

Legislator Alden.

LEG. ALDEN:

I have an indication from the Presiding Officer that they have a substantial amount of cash in their bank account, so there's one concern that's eliminated. Through the Chair, would it be all right to ask the County Attorney just a couple of more questions?

D.P.O. CARPENTER:

Sure. Ms. Caputi.

MS. CAPUTI:

Yes.

D.P.O. CARPENTER:

If you could.

MS. CAPUTI:

Sure.

LEG. ALDEN:

Do we have anything else that's as large of a project as this, where it's a license agreement with a private group?

MS. CAPUTI:

I'm not personally aware of any, but I'd have to check with my office. To be honest with you, I don't know.

LEG. ALDEN:

Okay. And just so I understand it, because we're being asked to put our faith and trust, you know, in your department pretty much to negotiate something that would reflect our wishes, so, you know, just so that •• you know I'm going to make myself real clear. We really would like to be indemnified completely. The monitoring has to be like almost ironclad, and if the Parks Department doesn't have the ability to do that, then somebody's got to get to us real fast and tell us that they don't have compliance officers, they don't have the ability to conduct audits, because this is a situation where under ten years, and that looks like what the majority of Legislators here are going to do today is grant this ten-year license agreement with no terms, but under years, things can go bad real fast and stay bad real long. So this property has been kicking around, and you indicated that you don't really know of a lawsuit, so it's been kicking around since 1987. And if there was no lawsuit on it, then that's a long time for property to go unutilized and just to lay there fallow, so •• and to collect garbage. Because, as pointed out by Legislator Vilorio•Fisher and others, you know, that this is a mess, and this will help to eliminate some of that.

But we really want to be protected. We want the kids to be protected and have a place to, you know, go and hold their games, but we're giving up almost all control of the property, and we're going to have to trust these people to run that property in a proper manner when we can be on the receiving end of a lawsuit, not the good end, but the bad end of a lawsuit, a major lawsuit during construction and during operation for up to 20 years.

So really use all your lawyering skills and protect us to the tenth degree, if at all possible, because it looks like this is going to be passed today, and like I said before, with no terms. So

we're kind of just putting it in your hands to protect us.

MS. CAPUTI:

As I indicated at committee, we really took a hard look at this, and we intend going forward to closely scrutinize the license agreement. So, you know, I'll make that representation to you.

LEG. ALDEN:

Not scrutinize, you have to draft it, so ••

MS. CAPUTI:

Yeah, I know, but I mean all the terms.

LEG. ALDEN:

Right.

MS. CAPUTI:

They'll make sure they're all fair and very protective of the County's interests.

D.P.O. CARPENTER:

Legislator Caracciolo.

LEG. CARACCILOLO:

Thank you. The simple question for me is why, as we sit here to look at this resolution, those safeguards are not incorporated in this resolution? Why are we doing it after the fact, after the Legislature signs a blank check? If none of those things happened that had been represented, tough luck. Citizens of Suffolk County will be libelous, and will have to pay future judgments, if such were assessed against the County.

I say it's premature to move on this resolution. It's for a good purpose. I can support it with the proper safeguards, but there are no safeguards here. And I can't think of another precedent in my 14 years here of where we've just written a blank check like this. I think everybody's judgment is being skewed by the fact that it's the Boys and Girls Club. It's a good project, but let's do it and do it right.

We have a fiduciary responsibility to not only provide ball fields for the youth in our County, and

this would accomplish that, but doing it in a way where the 1.4 million residents of this County are •• will leave their trust to us to do it in a way with the proper safeguards.

This is putting the cart before the horse, and most Legislators won't be here when those lawsuits come, and they will come some day, but you will have left a legacy of writing a blank check on a good project without the proper safeguards.

D.P.O. CARPENTER:

Counsel, do you have information •• Counsel, do you have information on a lawsuit.

MS. KNAPP:

Just to make the record complete, there was unquestionably a lawsuit on this property.

LEG. ALDEN:

There was.

MS. KNAPP:

There was, there was a lawsuit. I mean, just because I didn't want to •• you know, the misstatement to stay out there. My recollection is the family name, and it stays with me because it was so unusual. It was a family by the name of _Submergian_ , and they conducted a lawsuit against County over a period of years. It was certainly in the middle '90's, and I'm going to guess that it was settled probably in the very late '90's or the early two thousands, because I left the County Attorney's Office in 2000.

LEG. VILORIA • FISHER:

2001.

D.P.O. CARPENTER:

Okay. Legislator Caracappa.

P.O. CARACAPPA:

I can't see the County moving forward with any license agreement, just like the many that are out there that we have, whether it's our ballpark, our concessionaires, and our parks and our beaches without being indemnified. And I think every counsel in this room and every attorney

in this room will agree that no license agreement could ever go forward, especially in relation to construction and then the liabilities associated with playing fields. So I'm pretty •• I'm pretty confident that in the future, and when this license agreement comes together, that the County will be indemnified as it relates to the license agreement.

LEG. CARACCILOLO:

Why can't we have that in this resolution?

D.P.O. CARPENTER:

Excuse me. I'm sorry. Legislator Lindsay is next on the list, and then I'll put you on.

LEG. LINDSAY:

I was just going to ask is this •• I mean, we just heard the Presiding Officer talk about a multitude of license agreements that we have. Is this process different than any other license agreement? Do we approve a resolution first and then the agreement is negotiated?

MS. CAPUTI:

Yeah, that's the normal way that it's done.

LEG. LINDSAY:

That's normal.

MS. CAPUTI:

This is a bigger project, obviously, but yeah.

LEG. LINDSAY:

Well, I mean, the ballpark wasn't a small project either and we invested a lot of money by the County in that.

P.O. CARACAPPA:

It wasn't like that on that license agreement.

LEG. ALDEN:

No, that wasn't a license agreement.

MS. CAPUTI:

No.

LEG. LINDSAY:

That wasn't a license agreement.

P.O. CARACAPPA:

No. No, that was, and Mea can join me in this, we •• that was •• everything was in place first, from the financials to you name it, who was paying for the •• everything, top to bottom, front to back, was already ••

LEG. LINDSAY:

Okay. But we have the actual license agreement before us, or did we approve a resolution like we're doing •• we're about to do today?

P.O. CARACAPPA:

Everything was all asked and answered prior.

LEG. LINDSAY:

But did we have the actual license agreement or ••

P.O. CARACAPPA:

No.

LEG. LINDSAY:

•• did approve the resolution first and then ••

P.O. CARACAPPA:

It was all inclusive.

LEG. LINDSAY:

•• and then the license agreement was drafted?

D.P.O. CARPENTER:

It was all part of it.

MS. KNAPP:

I mean, we would •• I would really have to check with the Clerk's Office, but I believe that that was negotiated before we came to the Legislature, that we came to the ••

LEG. VILORIA • FISHER:

We were building it. We were building the building, wasn't that true?

MS. KNAPP:

The ground was broken ••

LEG. VILORIA • FISHER:

We paid for the construction of the building.

MS. KNAPP:

The County ••

P.O. CARACAPPA:

Five million of it.

MS. KNAPP:

The County received a grant of 14.4 million dollars from the State of New York and then added another five million, that's correct ••

D.P.O. CARPENTER:

The County did.

MS. KNAPP:

•• in order to build the building. But my recollection is that the license agreement accompanied the resolution approving the ballpark operator, but ••

LEG. CARACCILO:

That's correct.

MR. BARTON:

Yes, I believe that's correct, yes.

LEG. CARACCILO:

And we insisted on it ••

MR. BARTON:

There were several bites, yes.

LEG. CARACCILO:

•• that's my point.

P.O. CARACAPPA:

And that was the point I was trying to make. We were •• we were put on the spot.

LEG. CARACCILO:

Because that agreement went down the first time; remember Joe?

P.O. CARACAPPA:

Yes, I do.

LEG. CARACCILO:

It went down the river, and I remember it well, and in part. And I didn't vote for it the first time because we didn't have those assurances. Why is this so different? Why write a blank check?

LEG. VILORIA • FISHER:

Because we're not writing a check.

LEG. CARACCILO:

Well, no, but you're leaving yourself open to all kinds of exposure here, because I think it's wrong ••

D.P.O. CARPENTER:

Okay, we're debating. All right.

LEG. CARACCIOLO:

•• and I think we should do it right.

D.P.O. CARPENTER:

Legislator Caracciolo, I believe, was the last speaker on that. We have a motion. Do we have a motion on this resolution, motion and a second?

MR. BARTON:

Yes, we do, yes.

D.P.O. CARPENTER:

I'd ask all Legislators to come to the horseshoe. Roll call.

LEG. ALDEN:

I make a motion to table ••

LEG. CARACCIOLO:

Second.

LEG. ALDEN:

•• just to prolong this. No, give everybody a shot at it. Table it for two weeks, it can be corrected, and then we can go forward.

LEG. CARACCIOLO:

Bring back the license agreement.

D.P.O. CARPENTER:

All right. We have a motion and second to table the resolution.

LEG. ALDEN:

For two weeks.

D.P.O. CARPENTER:

For two weeks. On the tabling motion, all in favor? Opposed?

LEG. VILORIA • FISHER:

Opposed.

LEG. COOPER:

Opposed.

D.P.O. CARPENTER:

Roll call on the tabling.

MR. BARTON:

On the motion to table.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. COOPER:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

(Not Present)

LEG. BISHOP:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No to table.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

No to table.

LEG. O'LEARY:

No to table.

LEG. SCHNEIDERMAN:

No to table.

D.P.O. CARPENTER:

No to table.

P.O. CARACAPPA:

(Shook head no)

D.P.O. CARPENTER:

The tabling motion fails. Oh, I'm sorry.

MR. BARTON:

Legislator Mystal?

LEG. MYSTAL:

No.

MR. BARTON:

No. Thank you. Four. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

The tabling motion fails. There is a motion and a second to approve. On the motion to approve?

LEG. CARACCILO:

Roll call.

D.P.O. CARPENTER:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. VILORIA • FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Abstain.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Pass.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. O'LEARY:

Abstain.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Abstain.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. KENNEDY:

Yes.

MR. BARTON:

Thirteen. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Okay. The motion is approved. ***1653 • Appointing member to the Suffolk County Board of Trustees of Parks, Recreation, and Conservation (Miles B. Borden).*** Legislator Nowick makes motion, second by Legislator Kennedy. All in favor? Opposed?

LEG. ALDEN:

Roll call.

D.P.O. CARPENTER:

Roll call on the vote.

(Roll Called by Mr. Barton, Clerk)

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

(Not Present)

LEG. BISHOP:

Yes.

LEG. ALDEN:

Pass for a minute.

LEG. MONTANO:

Abstain.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

1653? Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. MYSTAL:

(Not Present)

LEG. ALDEN:

Yes.

MR. BARTON:

15, 1 abstention. (Not Present: Legs. Tonna and Mystal)

D.P.O. CARPENTER:

Motion is approved. ***1759 • Amending the adopted (2005) Capital Budget and Program and appropriating Pay As You Go funds in connection with purchase and installation of mobile data terminals for Park Police vehicles (CP7136).*** Motion.

LEG. CARACCILO:

Second.

D.P.O. CARPENTER:

Second by Legislator Caracciolo. All in favor? Opposed? Resolution is approved.

MR. BARTON:

16. (Not Present: Legislators Tonna and Mystal.

(*Substitution of Stenographer • Alison Mahoney*)

D.P.O. CARPENTER:

1763, (Amending the 2005 Capital Budget and Program and appropriating funds in connection with historic restoration and preservation at Third House, Theodore

Roosevelt County Park, Montauk (CP 7510). Motion by Legislator Schneiderman, second by Legislator Caracciolo. All those in favor? Roll call on the bond.

(*Roll Called by Mr. Barton • Clerk*)

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

17, one not present on the bond. (Not Present: Legislator Tonna)

D.P.O. CARPENTER:

Same motion, same second, same vote on the bond.

1779, (Appointing a member of the Suffolk County Board of Trustees of Parks, Recreation, and Conservation (Gilbert A. Cardillo).

LEG. CARACCILO:

Motion.

D.P.O. CARPENTER:

Motion by Legislator Caracciolo, second by myself. All those in favor?

LEG. FOLEY:

On the motion.

D.P.O. CARPENTER:

On the motion, Legislator Foley.

LEG. SCHNEIDERMAN:

Put me down on as a cosponsor on Third House.

D.P.O. CARPENTER:

Legislator Foley.

LEG. FOLEY:

Yeah, thank you. Legislator Caracciolo, is it Cardillo or Cardillo? Cardillo?

LEG. CARACCIOLO:

Yes.

LEG. FOLEY:

Was he recommended by which township?

LEG. CARACCIOLO:

Town of Riverhead, Democratic Supervisor, bipartisan, they get along great.

LEG. FOLEY:

The Supervisor of the town recommended this person?

LEG. CARACCIOLO:

I know where this is coming from, so.

LEG. FOLEY:

Okay. Recommended by the Supervisor?

LEG. CARACCILO:

Yes, as I believe Legislator Nowick's resolution was recommended by the Supervisor of the Town of Smithtown.

LEG. NOWICK:

That is correct.

LEG. VILORIA • FISHER:

We already voted on that.

LEG. CARACCILO:

I'm just saying we go along with the Supervisor.

D.P.O. CARPENTER:

Always. Okay. We have a motion and a second. All those in favor? Opposed? Approved.

LEG. MONTANO:

Abstain.

D.P.O. CARPENTER:

One abstention.

MR. BARTON:

Who was that?

LEG. MONTANO:

Montano.

MR. BARTON:

Thank you. 16, one abstention. (Not Present: Legislator Tonna)

D.P.O. CARPENTER:

Public Safety and Public Information. Oh, before we leave Parks I just want to congratulate the

softball team from the Parks Department. They beat the County Executive.

P.O. CARACAPPA:

So did the Legislature.

D.P.O. CARPENTER:

So did the Legislature.

LEG. FOLEY:

Do we have proclamation on that?

D.P.O. CARPENTER:

So did the Legislature's team. Now we know what it's all about.

Okay, **Public Safety:**

1646, (Establishing a policy to ensure adequate police protection for Suffolk County residents.)

LEG. BINDER:

Motion.

D.P.O. CARPENTER:

Motion by Legislator Binder.

LEG. ALDEN:

Second.

D.P.O. CARPENTER:

Second by Legislator Alden. All in favor?

LEG. LINDSAY:

Explanation.

D.P.O. CARPENTER:

Explanation, Legislator Binder.

LEG. BINDER:

I would like Counsel to explain.

D.P.O. CARPENTER:

Counsel, please.

MS. KNAPP:

This is the resolution that would require that •• let me make sure I am on the right one, yes •• that would require that all sectors be manned at all times. There is an exception in the event that an emergency condition arises that it would be impossible to implement the policy. Then in that case the Police Commissioner should •• must file a report of each and every such incident with the County Executive and with the Clerk of the Legislature.

D.P.O. CARPENTER:

Okay, we have a motion and a second. All those in favor? Opposed? Would those who are opposed please raise your hands? The Clerk has them?

MR. BARTON:

Yes.

D.P.O. CARPENTER:

There we go. And the motion is approved.

MR. BARTON:

12. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

No, it is ten.

LEG. BINDER:

I think it's ten.

D.P.O. CARPENTER:

If you are not in support, please raise your hands. We are still on 1646. You know what? Roll call. Roll call. This is crazy.

(*Roll Called by Mr. Barton • Clerk*)

LEG. BINDER:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

Nope.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Uh•huh.

MR. BARTON:

10•7. (Opposed: Legislators Foley, Lindsay, Montano, Fisher, Bishop, Mystal and Cooper).
(Not Present: Leg. Tonna)

D.P.O. CARPENTER:

What a surprise.

1747, (Adopting the Comprehensive All•Hazards Emergency Management Plan for Suffolk County).

LEG. CARACCILOLO:

Motion.

CHAIRPERSON CARPENTER:

The presentation was made by the FRES Commissioner in committee. Motion by Legislator Caracciolo, second by Legislator O'Leary. All those in favor? Opposed?

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

The resolution is approved.

1760, (Appropriating funds in connection with improvements to the County Correctional Facility C•141, Riverhead (CP 3014). This is for Riverhead. I will make that motion, second by Legislator O'Leary.

On the motion, roll call.

(*Roll called by Mr. Barton • Clerk*)

D.P.O. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

I'll pass.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Pass.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

(Shook head yes).

LEG. COOPER:

Yes.

LEG. MYSTAL:

Yes.

MR. BARTON:

17 on the bond. (Not Present: Legislator Tonna).

D.P.O. CARPENTER:

Same motion, same second, same vote on the bond resolution. And that takes us to **1774, (Accepting and appropriating a grant in the amount of \$27,750 from the State of New York Governor's Traffic Safety Committee, for the Suffolk County Police Department to fund the Traffic Safety Corridor Enforcement Program with 83.13% support).** Motion by Legislator Caracappa, second by myself. All those in favor? Opposed?

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

The resolution is approved.

Public Works & Public Transportation:

1394, (Authorizing the execution of an agreement between the County and CBS Lines, Inc. For enhanced bus services on Route S60 including additional service in the area of downtown Stony Brook). Is there a motion.

LEG. VILORIA • FISHER:

Motion.

LEG. FOLEY:

Second on the motion.

LEG. CARACCILOLO:

On the motion.

D.P.O. CARPENTER:

Motion by Fisher, second by Foley.

LEG. ALDEN:

On the motion.

D.P.O. CARPENTER:

On the motion Legislator Caracciolo followed by Legislator Alden.

LEG. CARACCILOLO:

Yes. Can we please have an explanation as to the current conditions of this agreement? What are the terms and conditions of the agreement?

LEG. VILORIA • FISHER:

This is an existing line and route so it didn't require another full agreement to be developed. We currently have a contract with this line.

LEG. CARACCILOLO:

Counsel, is this the proper form for extending a bus route?

MS. KNAPP:

There was a discussion in committee as to whether or not there would have to be some sort of bid or process and I opined without having the full information. However, Mr. Shinnick, I believe, confirmed what it was that I said. If you have an extension of an existing bus route and •• that it would be virtually impossible to have a competition for it because of its location, than it has historically been held that you can amend their existing contract to allow what's referred to as a spur. And I believe that this one is less than three miles so that it would be impractical to bid it.

LEG. CARACCILOLO:

Does the County have any competitive bid process for our public bus system?

MS. KNAPP:

I don't believe we do.

LEG. CARACCILO:

That's interesting given the County Executive or County Legislator would argue year in and year out for a competitive bid process. So maybe we need some legislation to see if we can finally get that approved.

LEG. MYSTAL:

We don't have a secondary bus system.

LEG. FOLEY:

Move the question.

LEG. ALDEN:

A couple of quick questions. Does this require any new equipment? Because •• and correct me if I'm wrong, but under the existing contract we buy the equipment and lease it to these companies for a dollar a year or, you know, some nominal fee. So would this require any additional equipment?

MS. KNAPP:

As I say, the testimony that we heard at committee was that this was a spur of an existing line so that I'm going to make the assumption that the existing bus will go the mile and a half down into the village and then come back.

LEG. ALDEN:

Actually, it's more than that because we heard testimony, and maybe it's incorrect, but it was from the public, that this would actually allow the line to run instead of every hour, would allow it to run every half hour and then extend in to a spur situation. So, you know, do they need more equipment and what type of equipment •• if we're going to use the existing equipment, that one thing, but ••

MS. KNAPP:

I'm afraid I can't answer that. Perhaps the sponsor can.

LEG. ALDEN:

Maybe, through the Chair, our Budget Review Office.

P.O. CARACAPPA:

Is there going to be any extra equipment, buses, fares?

LEG. FOLEY:

The testimony given by Mr. Shinnick, if the sponsor allows me, I was at the committee meeting, Mr. Shinnick mentioned it would be the existing equipment, existing bus •• fleet of buses for that particular line and so much similar to other extensions of other bus lines in our County. This one is a rather modest extension compared to other extensions that were given ten to 15 miles extended routes, so this can be easily handled by the current fleet that handles that particular route. So, it's not going to be an increase in the need for additional •• there won't be a need for additional equipment at all.

LEG. ALDEN:

How much do we pay the operators who run this line? Because some of it is offset by the cash box, but, you know, some people have trouble turning in the cash from the cash box. So, I'm not so sure that, you know, it's paying for itself. But anyway •• and there's another little thing that really should be developed and those are called stop counts. And when you go and extend a line you have to establish a need for that. So, surveys •• did we do any surveys which indicate ridership? What is the indication of ridership now?

LEG. VILORIA • FISHER:

I used my downtown revitalization money to have a feasibility study done by outside consultants and the feasibility for this line was very high. We have three hospitals within this route, we have a variety of cultural venues, we have three transportation, intermodal transportation interchanges, the ferry and two railroad stations, we have a large university. And so there was very clear need for this extension.

With regards to the money that has been budgeted. When we were working out the Operating Budget I put in \$150,000 of my discretionary area of the budget because I was told that that

was the approximate cost to add this for •• on an annualized basis and so that money was put out of the \$250,000 that I was given in my district to use.

LEG. ALDEN:

Vivian, I commend you for actually trying to identify a need and then doing something about it because a lot of times things just get left in the lurch. And it's not a problem, but there's a follow•up that really has to occur here. If we're going to spend that kind of money and we don't have the ridership, that always has to be identified in the future, or if we're using •• there's all different size buses, too. Sixty, 45, 30 passenger, 15 passenger, so that the proper equipment has to be scaled into all these problems. Because we don't have just like an isolated problem in your district. There's problems in all of our districts as far as a lack of transportation. So, I would hope that some of the money that you allocated would go to follow •up to identify whether we're using the proper equipment in there, whether •• maybe we can scale down the size of the buses, save some money that way, whether we can go to alternative fuel type of buses and identify those type of things on an ongoing basis. Ridership counts are very important because ••

LEG. VILORIA•FISHER:

That was done •• that was addressed in the feasibility study.

LEG. ALDEN:

Are the buses running full now on the hourly basis?

LEG. VILORIA•FISHER:

Our buses are very full. Yes. I rode the buses and they were full. I had to stand on one particular bus.

LEG. ALDEN:

That's good. That's a good indication. Thank you. Actually, though, I have to identify something here. I'm going to abstain on this because at one time my family was in partnership with some of the principals of this bus company.

D.P.O. CARPENTER:

Legislator Caracappa.

P.O. CARACAPPA:

You answered some of my questions, Vivian. To do the extension is going to be a \$150,000 you said?

LEG. VILORIA • FISHER:

Over the year.

P.O. CARACAPPA:

Oh, for the rest of the remaining •• next year, though, is my concern. Is Transit and DPW is just going to absorb that as part of their budget next year or will the fare box handle most of that for next year based on the feasibility study and ridership that has been, you know, that you said was studied.

LEG. VILORIA • FISHER:

Joe, we've been trying to determine with my putting all of my district money into this to help ••

P.O. CARACAPPA:

This year.

LEG. VILORIA • FISHER:

This year, was to help to see ••

P.O. CARACAPPA:

My concern is next year.

LEG. VILORIA • FISHER:

•• what our fare box is going to be to verify the findings of the feasibility study to determine ridership and then to see what was going to happen in the coming year. We also have, as you know, State also contributes to the cost of the bus, so we're hoping that we will be able to continue a very robust line here. There has been a need for it that has already been determined prior to it beginning, so we're hoping that the fare box will be quite high.

P.O. CARACAPPA:

Okay, so I guess to simplify my question, I will ask it again, you are hoping for additional cost

next year to be offset from ridership.

LEG. VILORIA • FISHER:

Yes.

P.O. CARACAPPA:

Thank you.

D.P.O. CARPENTER:

Okay. Thank you. We have a motion and a second. All those in favor? Opposed?

LEG. ALDEN:

Abstain.

D.P.O. CARPENTER:

We have one abstention.

MR. BARTON:

16. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Motion is approved.

1735, (Directing the Suffolk County Sewer Agency to prepare reports and make recommendations necessary to form a sewer district at Waverly Park Condominiums in the Town of Islip).

LEG. LINDSAY:

Motion.

LEG. FOLEY:

Second.

D.P.O. CARPENTER:

Motion by Legislator Lindsay, second by Legislator Foley. On the motion, Legislator Caracappa.

P.O. CARACAPPA:

A couple of questions, Bill. Are there operational issues at this facility?

LEG. LINDSAY:

Yeah, we have a condominium community. I believe it is about 260 or 280 homes that has an independent sewer plan that's in trouble. They desperately need to make repairs. It's a huge expense to the home owners that are there now because the manager wants all the money up front. And what this study would do would be maybe to give the home owners an option of having it become a sewer district, having them fully realize that they're going to pay for the same repairs but it's going to be stretched out in time through County bonding in a sewer district tax that they'll pay ongoing forever.

The other thing is that there is some other sewer districts in the vicinity. I'm sure one of the things that DPW is going to look to see if it's feasible to blend them in with another one of our sewer districts.

P.O. CARACAPPA:

That was my next question. What's the capacity of this plant?

LEG. LINDSAY:

I don't have the numbers with me.

P.O. CARACAPPA:

Okay.

LEG. LINDSAY:

All we're asking for is DPW to take a look at it and to do an assessment of whether this is feasible or not. They might take a look at it and say it's not feasible or they might come back with a number that would be so high for the homeowners that it wouldn't make sense.

P.O. CARACAPPA:

Have any of the projects hooked in, have the HOA let any other projects or developments hook

into their sewage treatment plant as of this date?

Are they collecting outside fees for ••

LEG. LINDSAY:

No. This is ••

P.O. CARACAPPA:

It is just self•contained.

LEG. LINDSAY:

It's self•contained within this community.

P.O. CARACAPPA:

And you don't know yet if it has the capacity to allow others to hook into it. Because if take it •
• one of the main benefits, aside from helping out the homeowners there, is that other
developments around it or future developments will have a place to hook into and we don't
have to do another on•site sewage treatment plant at that facility.

LEG. LINDSAY:

Well, what we do know is that the existing facility is inadequate, has problems and that it does
have to be rebuilt. And again, asking DPW to do an assessment of the project, you know, they
•• I mean, the homeowners would be very willing to have their plan expanded to handle other
homes in the area, future homes in the area, but that's what we're asking DPW to do, is to do
this assessment.

P.O. CARACAPPA:

Those homeowners are aware if we do take it over and it's expanded and we do have future
expansion into that by way of additional gallonage, it's the County that would be acquiring all
those fees and all the benefits.

LEG. LINDSAY:

They're fully aware of the tax implications of this.

P.O. CARACAPPA:

Not only the tax implications, but the homeowners association would not be able •• would not

be collecting that.

LEG. LINDSAY:

No. They realize that.

P.O. CARACAPPA:

That it would be going directly to the County.

LEG. LINDSAY:

Right.

LEG. ALDEN:

On the question.

D.P.O. CARPENTER:

Legislator Alden followed by Legislator Losquadro.

LEG. ALDEN:

Bill, just one quick question. Are they going to do it in-house or are they going to hire somebody to do a study for this?

LEG. LINDSAY:

I believe Public Works is going to do it in-house. The homeowners have •• already have an engineering consultant on board that has done some of the preliminary work. But, no, I believe Public Works is •• we talked to Ben Wright. I had Ben Wright before a meeting of the homeowners. He explained the process of what they were going to do. They think that they will be able to do the assessment in-house.

LEG. ALDEN:

Good, because otherwise it gets expensive to farm that out.

D.P.O. CARPENTER:

Legislator Losquadro.

LEG. LOSQUADRO:

I was just going to make a motion to table.

D.P.O. CARPENTER:

We have a motion and a second to approve.

LEG. LOSQUADRO:

Motion to table.

D.P.O. CARPENTER:

And a motion to table by Legislator Losquadro, second by O'Leary. On the tabling motion all those in favor?

LEG. MYSTAL:

Roll call.

D.P.O. CARPENTER:

Roll call on the tabling.

(* Roll called by Mr. Barton • Clerk*)

LEG. LOSQUADRO:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Pass.

LEG. MONTANO:

Table, no.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

No.

LEG. ALDEN:

No to table.

MR. BARTON:

Eight. (Not Present: Leg. Tonna)

LEG. FOLEY:

It fails. Move the question.

D.P.O. CARPENTER:

We have a motion and a second to approve.

MR. BARTON:

Yes.

LEG. LINDSAY:

Before we start the roll call, just further edification. Is what we're asking DPW to do is to study the feasibility of taking this over and possibly expanding it with other homes in the area. We don't know what the results of that will be unless we authorize DPW to take look at it.

P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed?

LEG. LOSQUADRO:

Opposed.

P.O. CARACAPPA:

Mark me in opposition as well.

MR. BARTON:

15.

LEG. O'LEARY:

Abstain.

P.O. CARACAPPA:

One abstention, Legislator O'Leary.

MR. BARTON:

14. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

It's approved.

1746, (Amending the Adopted 2005 Capital Budget and Program and appropriating the Pay•As•You•Go funds in connection with the painting of County bridges (CP 5815).

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

Second by Legislator Lindsay. In favor? Opposed? Abstentions?

LEG. CARACCILO:

What number was that?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1751, (Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of CR 67, Motor Parkway of LIE Exit 55, Towns of Islip and Smithtown (CP 5172). Motion by Legislator Lindsay.

LEG. MONTANO:

Second.

P.O. CARACAPPA:

Second by Legislator Montano. In favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1762, (Transferring assessment stabilization reserve funds to the Capital fund, amending the 2005 Operating Budget, amending the 2005 Capital Budget and Program, and appropriating funds for chemical bulk storage facilities for sanitary facilities in Suffolk County Sewer Districts (CP 8178).

LEG. FOLEY:

Motion.

LEG. VILORIA•FISHER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator Viloría•Fisher. In favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1764, 64A (Appropriating funds in connection with assessment of Information System and Equipment (CP 5060)).

LEG. MYSTAL:

You sound like the Godfather.

P.O. CARACAPPA:

Is there a motion?

LEG. VILORIA • FISHER:

I will make a motion.

P.O. CARACAPPA:

Motion by Legislator Vilorina • Fisher. Second by Legislator Foley.

Roll call.

(* Roll Called by Mr. Barton • Clerk *)

LEG. VILORIA • FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Yeah.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yeah.

MR. BARTON:

16, one not present on the bond (Not Present: Legislator Tonna).

P.O. CARACAPPA:

Same motion, same second, same vote on the companion.

D.P.O. CARPENTER:

1765, (Appropriating start-up funds in connection with the acquisition of properties for the County share for the reconstruction of CR 67, Motor Parkway at LIE Exit 55, Towns of Islip and Smithtown (CP 5172). 1765 has to be tabled. There is no bond on 1765.

MR. BARTON:

That's correct.

P.O. CARACAPPA:

Motion to table. Second by Legislator Alden.

LEG. LINDSAY:

There's no bond.

D.P.O. CARPENTER:

He's saying that there is no bond. There is no bond on 1765?

MR. BARTON:

Bond Counsel did not provide us with a bond.

D.P.O. CARPENTER:

Okay. So we have a motion and a second to table. All those in favor? Opposed? Resolution is

tabled.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

Veterans and Seniors:

1606, (A Local Law extending veterans property tax exemption to recipients of Global War on Terrorism Expeditionary Medal.)

P.O. CARACAPPA:

Motion.

LEG. LOSQUADRO:

Motion.

D.P.O. CARPENTER:

Motion by Legislator Caracappa, second by Legislator Losquadro. All those in favor? Opposed?

LEG. BISHOP:

Explanation.

LEG. MYSTAL:

Cosponsor.

LEG. LOSQUADRO:

Cosponsor.

D.P.O. CARPENTER:

Explanation for Legislator Bishop before you call the vote.

LEG. ALDEN:

County Executive, come forward.

LEG. BINDER:

No, please don't.

D.P.O. CARPENTER:

Counsel can do it.

MS. KNAPP:

On 1606, the Local Law on the veteran's exemption?

LEG. BISHOP:

Yeah.

D.P.O. CARPENTER:

Yes.

MS. KNAPP:

We already have a list of those who are eligible for the veteran's tax exemption this one adds ••

LEG. BISHOP:

Veterans plus a war?

MS. KNAPP:

This one adds those who have this particular medal. Now, I'm not certain that everyone who has this particular medal is in fact a veteran.

LEG. BISHOP:

I guess what I don't understand is aren't all veterans eligible for the exception?

LEG. LOSQUADRO:

No.

LEG. BISHOP:

So you need veteran plus what? You need veteran plus war time. Global war.

LEG. BINDER:

But you don't have to be a veteran in this one.

P.O. CARACAPPA:

Legislador Losquadro.

LEG. LOSQUADRO:

And expeditionary medal is a specific medal awarded by the military for service in combat and there are different theaters in combat for which different expeditionary medals crafted. So a Korean defense medal is not an expeditionary medal. You had to serve in the Korea conflict for the Korean expeditionary medal. So this is the global war on terrorism expeditionary medal that we're making those recipients eligible for the same tax break. It's up to the military to ••

LEG. BISHOP:

Let me just get a basic primer on veterans exemptions. If you serve the country and you come back to Suffolk County, are you eligible for a reduction in your taxes? Just as a veteran, right?

LEG. LOSQUADRO:

It depends where you serve.

LEG. BISHOP:

Okay. You had to serve in a time of conflict.

LEG. LOSQUADRO:

And you have to receive your expeditionary medal.

LEG. BISHOP:

Okay.

LEG. ALDEN:

Congress sets the times.

LEG. BISHOP:

Okay. So if you served 1958, you are not getting exemption, but if you served in 1968 you are.

LEG. LOSQUADRO:

Correct.

LEG. BISHOP:

Now we come to today and we're saying anybody who serves currently is going to get this if they ••

LEG. LOSQUADRO:

The Congress has set this time period, now they have, for the global war on terrorism expeditionary medal. If they are a recipient of that medal, they served in one of the designated theaters of conflict, then yes, they will be eligible.

LEG. BISHOP:

Okay. And so that means if they served in Afghanistan or Iraq, I take it.

LEG. LOSQUADRO:

Correct. I believe both of those are eligible for the global war on terrorism expeditionary medal.

LEG. MYSTAL:

If they went to Grenada they don't get it.

LEG. BISHOP:

Right. That's what I am questioning because if they •• if we are •• to me, they should all get it whether they're, you know ••

D.P.O. CARPENTER:

Agreed.

LEG. BISHOP:

•• whether they are in Iraq. I mean, they're not •• by and large they are not choosing where to go.

LEG. LOSQUADRO:

This has been a long standing argument.

LEG. BISHOP:

But if this is our policy then I guess it should be expanded.

LEG. LOSQUADRO:

We're following federal guidelines.

D.P.O. CARPENTER:

Legislator Alden, did you want to speak?

LEG. ALDEN:

Just one quick correction. In 1958 if you did serve, and there were advisors in Vietnam from the United States in '58, that they were eligible, and that it's a special act of Congress.

LEG. BISHOP:

There's very few, but okay.

LEG. ALDEN:

In those years.

D.P.O. CARPENTER:

All right. We have a motion and a second. All those in favor? Opposed? The resolution approved.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

1349, (Directing the Director of Real Estate to locate property to re•establish Police Department Field Office in Huntington Village).

LEG. BINDER:

Motion to table.

D.P.O. CARPENTER:

Motion to table by Legislator Binder, second by Legislator Caracappa. All in favor? Opposed?
The resolution is tabled.

MR. BARTON:

17. (Not Present: Leg. Tonna)

D.P.O. CARPENTER:

1726, (A Local Law to expand and clarify the anti•nepotism provisions of the Suffolk County Code). Motion by Legislator O'Leary, second by Legislator Losquadro.

LEG. LINDSAY:

Explanation.

D.P.O. CARPENTER:

Explanation, Legislator O'Leary.

LEG. O'LEARY:

Certainly. What this will do •• the title of the resolution makes it clear. What we're intending to do is to expand and clarify the nepotism provision. In particular, it focuses on the Police Department officials below the rank of Captain that are relatives of individuals being considered for promotion above the rank of Captain. In several instances that have occurred in the past there were circumstances where the intended promotion of an individual in the Police Department above the rank of Captain to Deputy Inspector, or higher up to Chief, had a relative who was either a Sergeant or Lieutenant or Detective for that matter and that's required that particular promotion to come before this body for purposes of approving that promotion under the anti•nepotism statutes. It's very clear in my mind with the experience I've had with the PD that individuals within the Police Department below the rank of Captain have no authority whatsoever in influencing of the hiring or promotion of individuals as relatives of those individuals being considered for positions above the rank of Captain.

In addition to that, the amended version of this particular resolution makes it perfectly clear as to what positions within the County, other than police officers below the rank of Captain, would come under this particular statute. Besides department heads I make it very clear to all elected

officials and also Chief Deputy and Deputy County Executives •• Deputy Commissioners who do, in fact, have input and influence with respect to the promotion of or hiring of individuals.

D.P.O. CARPENTER:

Thank you very much. Are there any other questions? Legislator Lindsay.

LEG. LINDSAY:

We routinely have resolutions coming before us. If you don't mind I will address it right to the sponsor.

D.P.O. CARPENTER:

Go right ahead.

LEG. LINDSAY:

If that's all right.

D.P.O. CARPENTER:

Absolutely.

LEG. LINDSAY:

Where someone in a lower rank is promoted but has a relationship at a higher rank. Is that right? Is this reversing it?

LEG. O'LEARY:

No. Is your question if someone is being considered for a Civil Service rank of Sergeant, Lieutenant or Captain, has a relative above the rank of Captain and it comes before us?

LEG. LINDSAY:

Right.

LEG. O'LEARY:

No. It's not the Civil Service ranks that come before us. It's the non•Civil Service ranks, Detective, Detective Sergeant, and Detective Lieutenant. It's never the •• an instance where someone of that rank would have the final decision as to who's going to become a Detective

and Detective Sergeant and Detective Lieutenant. Those decisions are made by the policy makers within the department who are members of the department, the rank Deputy Inspector and above.

LEG. LINDSAY:

Okay. So how does this change our existing policy? Wasn't this •• isn't this like in effect now?

LEG. O'LEARY:

No. What this does, if someone is being considered for a promotion above the rank of Captain, Deputy Inspector and above, who are the policy makers within the department, and if that individual has a relative who's below the rank of Captain, a Lieutenant, a Sergeant, or a Detective, Detective Sergeant or Detective Lieutenant, as a relative, it would not have to come before the committee. It's only if the individual being considered for promotion has a relative that is Deputy Inspector or above. That would apply to individuals being considered for Detective, Detective Sergeant and Detective Lieutenant if their relative is Deputy Inspector or above.

LEG. LINDSAY:

Does this only •• this anti•nepotism provisions of the Code, does it only apply to the Police Department?

LEG. O'LEARY:

No.

LEG. LINDSAY:

It applies to the other departments.

LEG. O'LEARY:

If I clarify it a little bit further than the old resolution in that I actually list the various elected positions throughout the County and department heads, all department heads, Deputy Commissioners and elected officials, Commissioners and elected officials. So, I mean, just so you understand, Bill, Legislator Lindsay, if an individual is up for a non•Civil Service rank appointment for a Detective, Detective Sergeant or Detective Lieutenant, and that individual has a relative who's a Deputy Inspector or above, it has to come before the Legislature.

LEG. LINDSAY:

But now it comes before us if he's a Captain.

LEG. O'LEARY:

No. It comes before us if the individual being considered for a promotion to Deputy Inspector and above will have a relative who's below the rank of Captain. That could be a Detective, Detective Sergeant, Sergeant, and those individuals have no say whatsoever with respect to the promotion within the Police Department policy makers.

LEG. MYSTAL:

Madam Chair.

D.P.O. CARPENTER:

If you don't mind, I told Ben he could come up. He had something he wanted to add, probably his support.

MR. ZWIRN:

Thank you. Thank you for your indulgence. I'll be real quick. The County Executive, as I stated to Legislator O'Leary at committee, has a problem with this because any cutting back on the anti•nepotism statutes that Suffolk County has advanced, and when I was in Nassau I wish we had those kinds of statutes here, he thinks is a mistake. The perception will be that we're cutting back on anti•nepotism statutes as opposed to broadening.

With respect to the other people besides police officers, they're already covered by law, but they're in position where they can hire and fire so they would be covered by the anti•nepotism statutes that are in effect at the present time.

LEG. O'LEARY:

Through the Chair I respectfully disagree with Mr. Zwirn's assessment of the existing law. It doesn't spell it out or clarify it. This amended resolution does.

D.P.O. CARPENTER:

Okay. Thank you. Legislator Lindsay did you ••

LEG. LINDSAY:

I'm done.

D.P.O. CARPENTER:

You're done? Legislator Mystal.

LEG. MYSTAL:

I just wanted to clarify for my partner, Mr. Lindsay. This is a dilution of the nepotism, the way I see it. Some people who are supposed to be part of it, especially in the Police Department, are being removed from that Nepotism Act. That's why the County Executive is against it, and that's why I tend not to want to be •• want to support it, because it kind of •• we're retrenching back. We are making the pool of people that will have to come to us for nepotism less in the Police Department.

D.P.O. CARPENTER:

All right. Anything else? We have a motion and a second to approve. I'm sorry, Legislator Caracciolo.

LEG. CARACCILOLO:

Mr. Zwirn? I would just like to follow•up on your statement, that the County Executive is in favor of expansion of anti•nepotism rules, statutes.

MR. ZWIRN:

He's been supportive of your bill that's in committee.

LEG. CARACCILOLO:

He will support it?

MR. ZWIRN:

He has been, yes. He supported it. We supported it at committee.

LEG. CARACCILOLO:

Okay. Thank you.

D.P.O. CARPENTER:

Okay. Motion, second to approve. All those in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

Raise your hand, please, if you're opposed.

MR. BARTON:

That would be seven.

D.P.O. CARPENTER:

That would be seven. That would be approved.

LEG. BISHOP:

It will be a big veto package next time.

D.P.O. CARPENTER:

Oh, yeah, it's going to be interesting.

MR. BARTON:

Ten, 10•7, 1 not present (Opposed: Legislators Vilorio•Fisher, Foley, Lindsay, Montano, Bishop, Mystal & Cooper; Not Present • Leg. Tonna)

(Vote amended to 9 yes, 7 no, 2 not present • Legs. Tonna and Binder)

D.P.O. CARPENTER:

1743 • Transferring a right of reverter to the Town of East Hampton (SCTM No. 0300 •147.00•03.00•001.000). Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Motion.

D.P.O. CARPENTER:

Motion to approve, second by Legislator Caracciolo.

LEG. ALDEN:

On the motion.

D.P.O. CARPENTER:

On the motion, Legislator Alden. And Legislator Alden, then Legislator Caracciolo and ••

[RETURN OF COURT STENOGRAPHER • LUCIA BRAATEN]

LEG. ALDEN:

I can make a request of the sponsor of this to table it for two weeks, and I'll tell you why.

I had a discussion with the Assistant Town Attorney that came in here. What we're doing here is there's restricted property. We're going to transfer that restriction on to another piece of property. That property is going to be used pretty much for the sole benefit of a developer. And I believe that there's some condemnation cases that came down, and very recently, that pretty much say that you're not supposed to use government power and take away property from one person to enhance, or actually make it better, or turn that property and that development over to a private individual. I asked the Assistant Town Attorney if they would take another piece of property, transfer these rights on to that property, and restrict that property to be used as affordable housing, or for some other, what I would consider a legitimate government purpose.

I know the argument can be made that there's going to be a road, but what it does is it provides another access to a piece of property that doesn't go through a residential area. And right now, the •• to develop this piece of property, you have to go through a residential area.

So I would ask you to give us like two weeks, table it, let the Town of East Hampton try to go and get another piece of property, which they said they probably had, and transfer the development rights or the restrictions, actually, to that piece of property.

D.P.O. CARPENTER:

Before we go on to all of these speakers, I'm just going to ask the sponsor, are you willing to table it for one cycle, two weeks?

LEG. SCHNEIDERMAN:

I'd like to first explain the genesis and effect of the resolution and defer to Counsel, and then I'll agree to table it legitimately, if there's any question about it.

LEG. BISHOP:

Well, we're going to hear it next week.

LEG. MYSTAL:

We'll hear it next week.

LEG. BISHOP:

We'll hear it next week.

LEG. SCHNEIDERMAN:

This •• I put this resolution in on •• at the request of the Town Board of the Town of East Hampton. The County gave the property to the Town of East Hampton that I believe was a tax default property. We put a restriction on it, the County put a restriction on it that it must be used for a municipal purpose. The Town doesn't need that piece. They want to swap that piece with another piece of actually a slightly greater size, it's two parcels put together or more land area, and take this same restriction and put it on that piece, because that piece they need to construct a road into an area that they've recently zoned for service and commercial. It is private land. If there are legal questions, I have no problem with tabling it.

P.O. CARACAPPA:

Second.

D.P.O. CARPENTER:

Okay.

LEG. SCHNEIDERMAN:

But, so far, I've heard that there has not been legal questions.

D.P.O. CARPENTER:

Okay. Well, I think there might be. I mean, there were a number of speakers on this. So, just in the interest of time ••

LEG. BISHOP:

Is this like that farmer guy that we put restrictions on and then he wanted to get out of it?

D.P.O. CARPENTER:

The corn man?

LEG. VILORIA • FISHER:

The corn guy.

LEG. ALDEN:

Not really.

LEG. FOLEY:

Motion to table, Mr. Chairman.

D.P.O. CARPENTER:

All right. We have a motion and a second to table. All those in favor?

LEG. SCHNEIDERMAN:

On the motion.

D.P.O. CARPENTER:

On the motion.

LEG. SCHNEIDERMAN:

Can Mr. Zwirn be recognized on this?

MR. ZWIRN:

We would ••

D.P.O. CARPENTER:

Mr. Zwirn.

MR. ZWIRN:

We would like it to be tabled as well, give us •• the County Attorney a chance to work with the Town Attorney in East Hampton to get it done right.

D.P.O. CARPENTER:

Okay. Great. Get all these questions answered, that's a wonderful thing. All those in favor? We have a motion and a second. All those in favor of tabling? Opposed?

MR. BARTON:

16 ••

D.P.O. CARPENTER:

Motion is tabled.

MR. BARTON:

•• two not present. Madam Chair, that brings to my attention, on 1726, there were seven hands raised. However, it's been brought to my attention by a Legislator that Legislator Binder has left us, so I announced the vote incorrectly on 1726.

LEG. BISHOP:

Oh, you're down two.

LEG. ALDEN:

What's the ••

MR. BARTON:

Sorry.

LEG. ALDEN:

What's the official vote.

MR. BARTON:

The vote is 9•7, two not present. (Not Present: Legs. Tonna and Binder)

D.P.O. CARPENTER:

1726.

LEG. COOPER:

I make a motion to reconsider all of today's votes.

D.P.O. CARPENTER:

On •• all right. Since there was ••

LEG. BISHOP:

You failed to keep Huntington engaged and now they've left.

LEG. O'LEARY:

Madam Chair.

D.P.O. CARPENTER:

Legislator O'Leary.

LEG. O'LEARY:

Who wasn't present beside Legislator Tonna?

D.P.O. CARPENTER:

Legislator Binder.

LEG. O'LEARY:

Binder, okay. I'm going to make a motion to reconsider 1726 for the purpose of tabling.

D.P.O. CARPENTER:

We need someone on the prevailing side.

P.O. CARACAPPA:

If I could, Ang.

D.P.O. CARPENTER:

Legislator Caracappa, please.

P.O. CARACAPPA:

The bill ••

LEG. LINDSAY:

I'll make the motion.

LEG. BISHOP:

What are you doing?

P.O. CARACAPPA:

Even though it was announced it was approved ••

LEG. BISHOP:

What are you doing?

P.O. CARACAPPA:

Even though it was announced it was approved, it did fail based on the miscount. So it has to be considered as of right now a bill that's failed, unless a member of the seven decides to raise their hand ••

D.P.O. CARPENTER:

The "Magnificent Seven" I would add.

P.O. CARACAPPA:

•• and reconsider it and be, you know, bipartisan in nature, so that we could at least table it and discuss it further.

LEG. COOPER:

Five•minute recess.

LEG. BISHOP:

Table it, for what ••

P.O. CARACAPPA:

Then it's officially •• the ruling of the Chair is officially ••

LEG. O'LEARY:

I'll just resubmit it, that's all.

P.O. CARACAPPA:

Okay.

LEG. BISHOP:

Resubmit it.

D.P.O. CARPENTER:

Okay.

P.O. CARACAPPA:

The bill has failed.

D.P.O. CARPENTER:

The bill has failed. Okay, that's it.

LEG. MYSTAL:

Go ahead, go ahead.

D.P.O. CARPENTER:

Rather than horse•trading, I think it's easier, you may want to lay it on the table today.

LEG. MYSTAL:

All right, let's table.

LEG. O'LEARY:

Resubmit and deal with Legislator Binder at a later date.

LEG. MYSTAL:

No, no, no. We're going to make •• you know I'll make the motion for you, Pete.

D.P.O. CARPENTER:

Wait a minute.

LEG. MYSTAL:

Motion to reconsider.

LEG. FOLEY:

Second.

D.P.O. CARPENTER:

All right. We have a motion on the prevailing side to reconsider 1726.

LEG. COOPER:

I'll second the motion.

D.P.O. CARPENTER:

Second by Legislator Cooper. Okay. All in favor? Opposed? The bill is before us.

LEG. BISHOP:

Opposed. Opposed.

D.P.O. CARPENTER:

We have a motion by Legislator O'Leary, second by Legislator •• myself, to table 1726. All in favor? Opposed? It is tabled. Thank you. Thank you, Clerk.

MR. BARTON:

16. (Not Present: Legs. Tonna and Binder)

D.P.O. CARPENTER:

1775 • Authorizing referral and public hearing (acceptance and adoption of the) official map (of Suffolk County). Motion by Legislator Caracappa, second by Legislator Foley. All those in favor? Opposed?

MR. BARTON:

16. (Not Present: Legs. Tonna and Binder)

D.P.O. CARPENTER:

Resolution is approved. ***1781 (Authorizing, ratifying and adopting the acquisition of land in the Open Space Preservation Program, the "Old" Drinking Water Protection Program (EFF 11/30/00), the "New" Drinking Water Protection Program (EFF 12/01/00), and the Multifaceted Land Preservation Program known as part of Maple Swamp, near Sears Bellows County Park, Town of Southampton, Suffolk County, New York (John and Themistocles Kalminios).*** Authorizing, ratifying, and adopting Open Space Program, Sears •• let me see. Maple Swamp near Sears Bellows Park. Is there a motion?

LEG. SCHNEIDERMAN:

I'll make the motion.

D.P.O. CARPENTER:

Motion by ••

LEG. O'LEARY:

I'll second. And I would ask Counsel to explain this, please. I know there will be some questions on the merits of this resolution.

D.P.O. CARPENTER:

Okay. We have a motion by the Presiding Officer, second by Legislator O'Leary. On the motion, Counsel, please.

MS. KNAPP:

This is the resolution that was before you at the last meeting on a CN. This has a very long history. It goes back to, I believe, 1989. The property is 271•plus acres, but I believe a good part of that is swamp land, hence the name Maple Swamp.

What happened back in the '80's, from what I understand, is the owner was unwilling to sell. And this was a parcel that was adjacent to other County holdings, and the County wanted to acquire this parcel, so it was one that was condemned, eminent domain. The County made an advance payment of 3 million dollars, which they paid into court at that point in time, and this was a very, very, very lengthy litigation.

The ultimate resolution is that, with all the interest that has accrued over the years, the County owes an additional \$6,689,566. This resolution proposes to pay that out of three existing programs, including the Open Space Program, 3,293,100, the Old Drinking Water Protection Program, a million•two, and the Multifaceted Land Preservation Program, 2.196,466 million.

D.P.O. CARPENTER:

Okay. Thank you for that explanation. We have a motion and a second. All those in favor?
Opposed?

LEG. ALDEN:

Opposed.

MR. BARTON:

15.

LEG. CARACCILO:

Opposed.

MR. BARTON:

14.

D.P.O. CARPENTER:

Two opposed.

LEG. BISHOP:

I'll be opposed.

D.P.O. CARPENTER:

Three opposed.

MR. BARTON:

13. (Not Present: Legs. Tonna and Binder)

D.P.O. CARPENTER:

Motion is approved.

SENSE RESOLUTIONS

Sense Resolutions. ***Sense 48 (Memorializing resolution in support of Assembly Bill A.07588 and Senate Bill S.05246 strengthening penalties for human trafficking)***, in support of two bills in the State.

LEG. BISHOP:

There's a lot less money in those funds now.

D.P.O. CARPENTER:

Strengthening penalties for human trafficking. Motion by Legislator Fisher, second by Legislator O'Leary. All those in favor? Opposed? Resolution is approved.

MR. BARTON:

16. (Not Present: Legs. Tonna and Binder.

D.P.O. CARPENTER:

Sense 50 (Sense of the Legislature resolution) requesting that New York State assume responsibility for New Highway (in the Towns of Huntington and Babylon). I'll make that motion, second by Legislator Mystal. All those in favor?

LEG. BISHOP:

Explanation. New Highway ••

D.P.O. CARPENTER:

Is a mess.

LEG. BISHOP:

Where •• which New Highway. There are •• I think there are many New Highways.

D.P.O. CARPENTER:

New Highway in the Towns of Huntington and Babylon, along the perimeter of the airport there.

LEG. MYSTAL:

That's inside of the airport.

D.P.O. CARPENTER:

Right.

LEG. MYSTAL:

See, I think there's a misnomer on this and we have to correct it.

D.P.O. CARPENTER:

Yeah, down by the cemeteries.

LEG. MYSTAL:

Yeah.

LEG. BISHOP:

Cemeteries, that's in •• that's not New Highway.

LEG. MYSTAL:

That's not New Highway.

D.P.O. CARPENTER:

Yes, it is.

LEG. MYSTAL:

There's New Highway •• there's two New Highways.

LEG. LINDSAY:

West side.

LEG. MYSTAL:

I know what you're talking about.

LEG. BISHOP:

Okay.

LEG. MYSTAL:

The one that is named New Highway is fine. The one by the airport is named something else, and then we have to •• let's pass it and we'll correct it later.

D.P.O. CARPENTER:

Okay, sounds cool. We have a motion and a second.

LEG. BISHOP:

I think you're right and ••

D.P.O. CARPENTER:

When they agree to take it over, we can get into the nitty•gritty of exactly where the road is. Okay. We have a motion and second.

LEG. BISHOP:

Fix that road.

D.P.O. CARPENTER:

All those in favor?

LEG. BISHOP:

The one that stinks.

MR. BARTON:

16. (Not Present: Legs. Tonna and Binder)

D.P.O. CARPENTER:

Opposed? It's approved. Thank you. ***Sense 52 (Memorializing resolution in support of protection for unmarked burial sites New York State Assembly Bill A.2272 and New York State Senate Bill S.3224).*** Support of the protection of unmarked burial sites.

LEG. O'LEARY:

I'll second that motion, protecting the Native American burial sites.

LEG. ALDEN:

On the motion.

D.P.O. CARPENTER:

I'm so proud of you. A motion by Legislator Schneiderman, second by O'Leary.

LEG. ALDEN:

On the motion.

D.P.O. CARPENTER:

On the motion, Legislator Alden.

LEG. ALDEN:

If this is passed, it strengthens the Indian's hands to take over all of New York State.

D.P.O. CARPENTER:

Okay. We have a motion and a second. All those in favor? Opposed?

MR. BARTON:

16. (Not Present: Legs. Tonna and Binder)

D.P.O. CARPENTER:

Sense is approved. We go to CN's in the red folder. Thank you, Presiding Officer's staff, making this a little bit easier. We have ••

MS. BURKHARDT:

Henry's staff.

D.P.O. CARPENTER:

Henry's staff. I apologize. Thank you. ***1773 (Amending the 2005 County Operating Budget to transfer funds from the Department of Social Services Medical Assistance/MMIS Program to cover the deficiency of appropriation in Prisoner***

Maintenance to house inmates in Out•Of•County Facilities). Transferring funds from the Department of Social Services Medical Assistance Program to cover deficiency. Ben, do you want to explain this?

MR. ZWIRN:

Right. This was on the calendar today. What it is it's good news, because we're using •• we need less money for the transfer of prisoners. It's still not great, but we originally thought the number was going to be four•and•a•half million we asked for, and we're asking to now, with updated information, two•and•half million. And it's coming from a mandated fund ••

D.P.O. CARPENTER:

Well, actually, wait a minute. Let's just correct that. It was supposed to be five•and•a•half and now it's going to be three•and•a•half?

MR. ZWIRN:

Right. I'm sorry, that's correct.

D.P.O. CARPENTER:

So then it's two•and•a•half that you're transferring.

LEG. VILORIA•FISHER:

Motion to approve.

MR. ZWIRN:

Right.

D.P.O. CARPENTER:

Okay, go ahead.

MR. ZWIRN:

That's correct. I'm sorry.

LEG. VILORIA•FISHER:

Motion to approve.

D.P.O. CARPENTER:

Motion.

LEG. CARACCILO:

On the motion.

D.P.O. CARPENTER:

On the motion, Legislator Caracciolo.

LEG. CARACCILO:

Budget Review Office, will this have a positive effect on the 2005 fund balance?

LEG. MYSTAL:

Of course not. Taking more money out.

LEG. ALDEN:

Spending more money.

LEG. LINDSAY:

Less.

LEG. CARACCILO:

Less money.

LEG. ALDEN:

No, you're spending more money.

LEG. VILORIA•FISHER:

Spending two•and•a•half million dollars less.

MS. VIZZINI:

Well, they've already incurred the 2.5 million dollars, or most of those expenses, and there wasn't sufficient funds there. So, hence, we're taking from the Medicaid savings, we have to

take from the mandated area and transfer the 2.5 million.

LEG. CARACCILO:

How much was •• how much would you estimate is in the mandated side?

MS. VIZZINI:

That's quite a range of money. We're working on a memo for the Legislature on the very subject. Certainly, at least enough to cover the 2.5 million.

LEG. CARACCILO:

You're not answering my question.

MS. VIZZINI:

I know, because I just read the memo, and there is •• it's quite a range, depending on what the base is determined.

LEG. CARACCILO:

Give me a range.

MS. VIZZINI:

The range, depending on the source, be it the State, the Department, or Budget Review, it ranges anywhere from 3 million to 14 million.

LEG. CARACCILO:

That's a big range.

MS. VIZZINI:

Yes, it is.

LEG. CARACCILO:

Okay.

LEG. MYSTAL:

Big bucks.

D.P.O. CARPENTER:

Legislator Alden.

LEG. ALDEN:

Benefit, while I have you up there, I just want to, you know, like make sure I'm clear on this. When you guys did the budget, you budgeted a million dollars for transport of prisoners?

MR. ZWIRN:

Correct.

LEG. ALDEN:

And now we got to go back and we need a couple of million bucks more than that?

MR. ZWIRN:

I think at that time we were trying to negotiate with the State Office of Corrections and trying to take a position where they •• hopefully, it would have been less than more. If we had put a lot of money in there, then I think there would have been certainly a different bargaining position, that the County would have been in if we had put in a much larger number, it would have been less •• you know, It would have been •• the State could have taken that and said, "Well, that's what the County expects to pay." So I think that was the number that was better to be •• if you're going to be short, be on the lower side.

LEG. ALDEN:

Where are we taking the money from? There's a transfer from what account?

MR. ZWIRN:

From Medicaid, because there's a one•time Medicaid savings.

LEG. ALDEN:

From Medicaid?

MR. ZWIRN:

Yeah.

LEG. ALDEN:

Is that an overtaxed, an overextended type of account? Ben, come on.

MR. ZWIRN:

No, no.

LEG. ALDEN:

Come on.

MR. ZWIRN:

No, because we have a one-time savings this year.

LEG. ALDEN:

Because we want transparency.

MR. ZWIRN:

I can •• I can refer you to Budget Review Office on this one.

LEG. ALDEN:

But doesn't there have to be transparency in government? Shouldn't we have been more upfront with the people?

LEG. BISHOP:

How do you maintain this intensity for so long?

LEG. ALDEN:

You know what it is, Dave, it's training. All my life I've been in training for this; baseball, football, basketball, golf.

LEG. BISHOP:

Hour after hour after hour.

LEG. ALDEN:

Exactly right. Isn't that in line, though, with •• because I •• there's some things •• you know,

like just echoing in my ear, like parking money and transparency ••

MR. ZWIRN:

No. The State •• the State ••

LEG. ALDEN:

•• and stuff like that. But ••

MR. ZWIRN:

The State capped Medicaid this year, so we were able to have a savings, where that's why this money is available. Otherwise, the answer would have been ••

LEG. ALDEN:

Savings in what, though? Where the money was parked?

MR. ZWIRN:

No, it's not parked, it was ••

LEG. ALDEN:

We have a savings in the account where money was parked?

MR. ZWIRN:

The State heard the County's pleas from around the State and has given us some Medicaid relief. As a result, there is additional money there that normally would have been spent that we will now be able to spend on •• unfortunately, it's transferring prisoners out of the County.

LEG. ALDEN:

All right. I just •• you know, I'd just like to see ••

MR. ZWIRN:

I completely ••

LEG. ALDEN:

•• transparency and I like to, you know, be up front with the taxpayers, that I don't want to see

money parked and, you know, hidden agendas and hidden transfers and stuff like that. So, if we need more than that next year for transporting prisoners, we should just be up front and put it right in the budget.

D.P.O. CARPENTER:

Thank you. Legislator Kennedy?

LEG. KENNEDY:

I was just going to try and go to identify if these savings were as a result of the acts that the State Legislature took. Obviously, we are talking about that. And I'll just point out, Ben, that I think the Exec's comments earlier in the year were that we would like to see these savings returned to the taxpayers. He had no intention to go ahead and utilize those monies to go ahead and expend. Now we're expending; correct?

MR. ZWIRN:

Well, it's not the •• no, that's not true. The County Executive •• I don't want to get into all the budgets and the Community College budget. The County Executive is doing everything he can to save the taxpayers money. This is a mandated expense, and we're taking it from a mandated expense to a mandated expense. So, you know, would he rather give this money back to the taxpayers with respect to paying to prisoners out of state? I think everybody would.

LEG. KENNEDY:

I'm just pointing out where the offset is, that's all.

D.P.O. CARPENTER:

Okay. We have a motion and a second. All those in favor? Opposed?

LEG. ALDEN:

Abstain.

D.P.O. CARPENTER:

We have one abstention.

MR. BARTON:

Who's the motion and the second, please?

D.P.O. CARPENTER:

The motion was made by Legislator Caracappa, second by Legislator Lindsay.

MR. BARTON:

Thank you. 15. (Not Present: Legs. Tonna and Binder).

D.P.O. CARPENTER:

Okay. ***We have 1895 (Accepting and appropriating grant funds from the New York State Department of Labor and transferring previously appropriated grant funding from the Suffolk County Department of Labor to the Suffolk County Department of Social Services to continue the 100% funded "Employment Shuttle Program").*** This is a grant of •• motion by Legislator Caracappa, second by Legislator Nowick. Ben, do you want to tell us why it's a CN?

MR. ZWIRN:

I'm sorry. Which one is this?

D.P.O. CARPENTER:

1895.

P.O. CARACAPPA:

The 100% Shuttle Program.

D.P.O. CARPENTER:

The Shuttle Program.

MR. ZWIRN:

Oh, right. Janet DeMarzo, the Commissioner, came to the Health Committee and briefed them ••

D.P.O. CARPENTER:

That it was coming.

MR. ZWIRN:

•• in some detail that this was coming.

D.P.O. CARPENTER:

Okay.

MR. ZWIRN:

It's a timing issue. It's just that the paperwork came in in July, and this was the first opportunity we could get and we don't want to lose the •• lose the funding.

D.P.O. CARPENTER:

Okay, no problem. We have a motion and a second. All those in favor? Opposed?

MR. BARTON:

16. (Not Present: Legs. Tonna and Binder)

D.P.O. CARPENTER:

It is approved. ***1918 (Accepting and appropriating 100% Federal Pass •Through Grant funds from the NYS Office of Public Security in the amount of \$1,250,000 for the "State Homeland Security Program (SHSP) FY2005" administered by the Suffolk County Department of Fire, Rescue & Emergency Services and to execute grant related agreements)***, is 100% grant.

LEG. CARACCILO:

Motion.

D.P.O. CARPENTER:

This •• we did have a presentation. Motion by Legislator Losquadro, second by Legislator Lindsay. We did have a presentation by the FRES Commissioner in Public Safety, that they had been working on this, and they really wanted it to come over with a CN, so that the monies could be expended in a timely fashion, because come October, purchasing does not exactly entertain purchase orders.

P.O. CARACAPPA:

We used this money in the past.

D.P.O. CARPENTER:

Have we •• the question is have we used this money in the past? Ben, have we used this money in the past, to be given a grant like this in the past? Or anyone else that can help Ben.

MR. ZWIRN:

I have representatives from FRES here that can ••

D.P.O. CARPENTER:

Thanks.

MR. ZWIRN:

Give me •• let me catch my breath for a second. Go ahead, guys.

D.P.O. CARPENTER:

Mr. Williams and Warren.

CHIEF HORST:

Thank you. Warren Horst, Chief Fire Marshal, Suffolk County Fire Rescue.

The answer to that question is yes, we have. The letter that was sent down, the award letter that we received from the State indicates otherwise. However, we have reported in a timely fashion to the State. They have acknowledged receipt of our financial reports for the five programs, five grant programs that are currently in place. This would be an additional two. And I don't know if you want me to just summarize some of the expenditures that ••

LEG. MYSTAL:

No.

CHIEF HORST:

Okay.

P.O. CARACAPPA:

No.

D.P.O. CARPENTER:

No. I think it's okay. It's all here in the backup.

CHIEF HORST:

Okay.

P.O. CARACAPPA:

You've spent the money, is what I'm ••

CHIEF HORST:

We're spending the money, yes.

D.P.O. CARPENTER:

Okay. We have a motion and a second. All those in favor? Opposed? Resolution is approved.

MR. BARTON:

16. (Not Present: Legs. Binder and Tonna)

D.P.O. CARPENTER:

Now 1919 and 1920. Is this basically the same concept?

MR. ZWIRN:

Yes.

D.P.O. CARPENTER:

Okay. These, all three were presented in Public Safety. So, on **1919 (Accepting and appropriating 100% Federal Pass•Through Grant Funds from the NYS Office of Public Security in the amount of \$2,000,000 for the "Urban Area Security Initiative Program (UASI)" FY2005"administered by the Suffolk County Department of Fire, Rescue & Emergency Services and to execute grant related agreements)**. I'll make that motion, second by Legislator Losquadro. All those in favor? Opposed? Approved.

MR. BARTON:

16. (Not Present: Legs. Tonna and Binder)

D.P.O. CARPENTER:

1920 (Accepting and appropriating a grant in the amount of \$600,000 from the New York State Office of Homeland Security for the Law Enforcement Terrorism Prevention (LETPP FFY2005) Program with 100% support).

LEG. LOSQUADRO:

Same motion.

D.P.O. CARPENTER:

Motion, second by Legislator O'Leary. All those in favor? Opposed? Abstain?

MR. BARTON:

16. (Not Present: Legs. Tonna and Binder)

D.P.O. CARPENTER:

That CN is also approved. We now go to those resolutions that need to be laid on the table?

LEG. FOLEY:

Correct.

P.O. CARACAPPA:

We usually do these as a packet. Would you guys like to do them singularly?

LEG. ALDEN:

Yeah, do them separate.

LEG. MYSTAL:

Packet.

LEG. ALDEN:

Separate. What the heck.

D.P.O. CARPENTER:

Okay. We're going to make a motion to waive the rules and lay on the table late•starters.
1935.

P.O. CARACAPPA:

First, individually?

D.P.O. CARPENTER:

We're doing these individually, yes. **1935**, which would be assigned to Public Safety, I believe.

LEG. MYSTAL:

Budget.

MS. BURKHARDT:

Budget.

P.O. CARACAPPA:

Budget.

MS. BURKHARDT:

It has to go to Budget.

P.O. CARACAPPA:

Budget.

D.P.O. CARPENTER:

It has to go to Budget? All right. So, that's the Budget Committee. Is there a motion?

LEG. MYSTAL:

Motion.

LEG. ALDEN:

Opposed.

D.P.O. CARPENTER:

It's going to the Budget Committee.

LEG. ALDEN:

Opposed.

P.O. CARACAPPA:

Is there a motion?

D.P.O. CARPENTER:

Is there a motion?

LEG. LINDSAY:

Motion.

LEG. MYSTAL:

Motion.

D.P.O. CARPENTER:

Motion by Legislator Lindsay, second by Legislator Mystal. All in favor of laying on the table 1935? Opposed?

LEG. ALDEN:

Opposed.

P.O. CARACAPPA:

Opposed.

LEG. KENNEDY:

Opposed.

D.P.O. CARPENTER:

There's some question on the language and this kind of sets a little bit of an interesting precedent.

LEG. ALDEN:

I was insulted when I read it.

MR. BARTON:

12.

D.P.O. CARPENTER:

So, do we have enough ••

LEG. ALDEN:

So, it passed.

MR. BARTON:

12.

LEG. LOSQUADRO:

What's that? I'm opposed.

D.P.O. CARPENTER:

No, no. No. A roll call on this.

LEG. ALDEN:

Roll call.

D.P.O. CARPENTER:

Roll call.

LEG. ALDEN:

We can't just make up numbers here.

MR. BARTON:

Okay.

D.P.O. CARPENTER:

Okay. We have ••

MR. BARTON:

On the motion to lay it on the table.

D.P.O. CARPENTER:

On the motion to lay on the table 1935.

(Roll Called by Mr. Barton, Clerk)

LEG. LINDSAY:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Pass.

LEG. FOLEY:

Yes to lay on the table.

LEG. LOSQUADRO:

No.

LEG. VILORIA • FISHER:

(Not Present)

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

Abstain.

LEG. CARACCILO:

(Not Present)

MS. BURKHARDT:

He's gone.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No. Let them file it.

LEG. MONTANO:

No.

MR. BARTON:

Anybody not voted? Okay. Twelve becomes four. (Not Present: Legs. Caracciolo, Vilorina •Fisher, Binder and Tonna)

P.O. CARACAPPA:

That's just to be filed in the Clerk's Office, then, as opposed to late•starter. Next?

D.P.O. CARPENTER:

1936, assigned to Ways and Means. All in favor? Opposed?

P.O. CARACAPPA:

Same motion, same second.

LEG. ALDEN:

This is a very thick piece of legislation.

D.P.O. CARPENTER:

1937.

MR. BARTON:

Thirteen. (Not Present: Legs. Caracciolo, Vilorio•Fisher, Binder, Tonna and Cooper)

D.P.O. CARPENTER:

1937.

LEG. SCHNEIDERMAN:

On the motion.

D.P.O. CARPENTER:

Goes to EPA, and setting the public hearing.

MS. BURKHARDT:

For the General Meeting.

D.P.O. CARPENTER:

For the General Meeting on the 23rd.

LEG. SCHNEIDERMAN:

Can the record reflect that 1938 was submitted before 1937, even though the numbers don't

match the chronological order?

LEG. FOLEY:

No way, come on.

D.P.O. CARPENTER:

No. All right. On **1937**, all in favor? Opposed?

P.O. CARACAPPA:

Opposed.

LEG. ALDEN:

Me, too.

D.P.O. CARPENTER:

We have two •• one, two opposed. Three.

LEG. MONTANO:

Four.

LEG. ALDEN:

You better do a roll call.

D.P.O. CARPENTER:

Roll call on 1937.

MR. BARTON:

Okay, thank you. Legislators Lindsay.

LEG. MYSTAL:

Bill.

D.P.O. CARPENTER:

Legislator Lindsay, on 1937.

(Roll Called by Mr. Barton, Clerk)

LEG. LINDSAY:

Yes.

D.P.O. CARPENTER:

Yes, to lay on the table.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Pass.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

No.

LEG. VILORIA • FISHER:

(Not Present)

MR. BARTON:

Still gone.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

(Not Present)

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No.

LEG. NOWICK:

No.

LEG. MONTANO:

Yes.

MR. BARTON:

Seven. (Not Present: Legs. Caracciolo, Vilorina • Fisher, Binder and Tonna)

D.P.O. CARPENTER:

Fails to be laid on the table. 1938. Is there a motion?

MS. BURKHARDT:

You have to set the public hearing, also.

D.P.O. CARPENTER:

On **1938**, set the public hearing for the General Meeting on the 23rd at 5:30, and this also goes to EPA. Is there a motion? Motion by Legislator Schneiderman, second by Legislator O'Leary. All in favor?

LEG. MYSTAL:

I'm opposed to it.

D.P.O. CARPENTER:

Opposed?

MR. MONTANO:

Opposed.

P.O. CARACAPPA:

Opposed.

D.P.O. CARPENTER:

We have ••

P.O. CARACAPPA:

Strike my name as a cosponsor, too.

MR. BARTON:

Montano, Mystal and ••

D.P.O. CARPENTER:

Opposed?

MR. BARTON:

And one, two, three, four out.

LEG. MYSTAL:

Roll call.

D.P.O. CARPENTER:

Roll call.

MR. BARTON:

7•11. Okay.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

No.

LEG. MYSTAL:

No.

D.P.O. CARPENTER:

Bishop.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

Pass.

LEG. FOLEY:

Pass for the moment.

LEG. LOSQUADRO:

Pass.

LEG. VILORIA • FISHER:

(Not Present)

LEG. FOLEY:

Henry. Henry. Henry.

MR. BARTON:

Yes.

LEG. FOLEY:

Put me as a no.

MR. BARTON:

Yes, sir.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No.

LEG. LINDSAY:

No.

LEG. LOSQUADRO:

Yeah.

MR. BARTON:

Seven. (Not Present: Legs. Vilorio•Fisher, Binder and Tonna]

P.O. CARACAPPA:

That should be filed in the Clerk's Office as well.

D.P.O. CARPENTER:

That, too, will be filed in the Clerk's Office. Last one, **1939** gets assigned to Budget and Finance, and set the public hearing for the General Meeting on the 23rd at 5:30. Motion by Legislator Caracciolo, second by myself. All in favor? Opposed? That is assigned to committee.

MR. BARTON:

Thank you.

P.O. CARACAPPA:

I'd just like to thank the Deputy Presiding Officer for handling the duties today. I really appreciate it. Thank you, Angie.

MR. BARTON:

Not present is Vilorio•Fisher •• hold on a second, please. Binder, Tonna. So, that's three. That's 15. (Not Present: Legs. Vilorio•Fisher, Binder, Tonna)

D.P.O. CARPENTER:

We stand adjourned.

[THE MEETING WAS ADJOURNED AT 5:33 P.M.]

_ _ ***Indicates Spelled Phonetically***